

1                   UNITED STATES DISTRICT COURT  
2                   SOUTHERN DISTRICT OF OHIO  
3                   WESTERN DIVISION  
4                   - - -

5                   UNITED STATES OF AMERICA, : **CASE NO. 1:20-CR-0077**  
6                   Plaintiff, :  
7                   vs. : **JURY TRIAL, DAY 24**  
8                   LARRY HOUSEHOLDER, et al. :  
9                   Defendant. : **7th day of March, 2023**

10                  - - -  
11                  **TRANSCRIPT OF PROCEEDINGS**  
12                  **BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE**  
13                  - - -

14                  APPEARANCES:

15                  For the Plaintiff:

16                   Emily N. Glatfelter, Esq.  
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28                   and  
29                   Steven L. Bradley, Esq.  
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1 For the Defendant, Matthew Borges:

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5           Also present:           Larry Householder  
6                                   Matthew Borges  
7                                   Blane Wetzel, FBI Spec  
                                   Kelly Terry, paralegal  
                                   PJ Jensen, trial tech

8 Law Clerk: Cristina V. Frankian, Esq.

9 Courtroom Deputy: Rebecca Santoro

10 Stenographer: Lisa Conley Yungblut, RDR, RMR, CRR, CRC  
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100 East Fifth Street  
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PROCEEDINGS

2

(Proceedings held in open court at 8:59 a.m.)

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THE DEPUTY: All rise. This United States District Court for the Southern District of Ohio is now in session, The Honorable Timothy S. Black, District Judge, presiding.

6

THE COURT: Thank you. Please be seated. Back in the open courtroom on the record outside the presence of the jury. The government team is here in full. Defense team is here. Mr. Marein is excused. Mr. Borges' team is here in full.

11

Are we ready for the jury from the government's perspective?

13

MR. SINGER: Yes, Your Honor.

14

THE COURT: And from Mr. Householder's?

15

MR. BRADLEY: Yes, Judge.

16

THE COURT: And from Mr. Borges'?

17

MR. SCHNEIDER: Yes.

18

THE COURT: Let's call for the jury, please.

19

(Pause.)

20

THE DEPUTY: All rise for the jury.

21

(Jury entered the courtroom at 9:04 a.m.)

22

THE COURT: Thank you. You may all be seated. 14 Members of the Jury have joined us in the courtroom. Good morning. Thank you for being here early today. It's a big day. I'd ask that you give the attorneys your close

## CLOSING ARGUMENT BY MR. SINGER

24-3773

1       attention. We're going to hear closing argument. It's not  
2       evidence; it's argument. It's designed to assist you. The  
3       government goes first and last. After the government,  
4       Mr. Householder, and then Mr. Borges, and then the  
5       government will close.

6           Let's proceed to closing argument. On behalf of the  
7       government.

8           MR. SINGER: Yes, Your Honor. Thank you.

9           Good morning. May it please the Court --

10          THE COURT: Yes.

11          MR. SINGER: -- defense counsel, Members of the  
12       Jury. Larry Householder received almost \$60 million from  
13       FirstEnergy bank accounts. He received that money into a  
14       501(c) (4). It was secret. It was undisclosed, and it was  
15       unreported. And he received the money knowing that  
16       FirstEnergy Corporation and FirstEnergy Solutions expected  
17       legislation in return. This is called bribery.

18          A public official has a duty to further the public's  
19       interests, not the interests of a corrupt company.

20          Mr. Householder did not act alone, but he was at the top,  
21       the top of the enterprise, the top of the criminal  
22       conspiracy. He benefitted the most because the enterprise  
23       was set up to further his political machine. It paid for  
24       his staff. It funded his hand-picked candidates, and it  
25       propelled him to Speaker. It tightened his grip on power,

## CLOSING ARGUMENT BY MR. SINGER

24-3774

1 and it was set up so that he could use that power into the  
2 future. And he enriched himself to the tune of about  
3 \$500,000.

4 Matthew Borges, he entered the enterprise, he entered  
5 the criminal conspiracy, with his eyes open. He knew about  
6 Generation Now. He knew about Householder's relationship  
7 with Generation Now. But, more important, he knew that  
8 FirstEnergy Solutions was pumping millions of dollars into  
9 Generation Now at the same time Mr. Householder had promised  
10 to take official action for their benefit, to include  
11 legislation, if necessary.

12 As Borges explained, FirstEnergy and Householder and  
13 his own firm formed an unholy alliance. Borges knew about  
14 that corrupt bargain and he wanted in. As he told Tyler  
15 Fehrman: Everybody's getting fat off this, why not us? In  
16 doing so, he received \$1.62 million that flowed from  
17 FirstEnergy to Generation Now to a company that he created  
18 the day before, 17 Consulting. And he used that money to  
19 further the enterprise's purposes. Some of that money he  
20 used to bribe Mr. Fehrman for inside information about  
21 Mr. Fehrman's employer to further the enterprise's efforts.  
22 He also used the money to enrich himself, over \$360,000 in  
23 about six months.

24 This is the culmination of the case. This is where you  
25 take the evidence, you combine that with your instincts and

1       the same common sense you use in your everyday lives and you  
2       apply that to the law.

3           This is where the government explains how all of this  
4       evidence comes together. Now, we are not going to go  
5       through all of the evidence this morning, of course. You  
6       all just sat through six weeks and listened intently to six  
7       weeks of witness testimony. You saw thousands of pages of  
8       records and e-mails and text messages. You heard hours of  
9       recordings. But we're going to highlight the important  
10      evidence and we're going to apply that to the law as the  
11      Court instructed.

12       So what is the charge? The charges are RICO  
13      conspiracy, and as the Court instructed yesterday, there are  
14      four elements: That an enterprise existed; that the  
15      enterprise was engaged or its activities affected interstate  
16      commerce; that the defendant was employed by or associated  
17      with the enterprise; and that the defendant conspired to  
18      conduct or participate, directly or indirectly, in the  
19      conduct of the affairs of the enterprise through a pattern  
20      of racketeering activity.

21       We're going to start by going through those elements  
22      and we're going to apply the facts to each one of those  
23      elements.

24       All right. That an enterprise existed. An enterprise  
25      is a group of persons associated together for a common

1 purpose of engaging in a course of conduct. An enterprise  
2 is a group of people associated together. An enterprise has  
3 three main features, as the Court instructed yesterday. It  
4 has a purpose. There's a relationship among those who are  
5 associated with the enterprise. And longevity, that they  
6 operated together enough -- long enough that they could work  
7 towards those purposes.

8 And the purposes of the enterprise here were to  
9 increase Mr. Householder's political power, to help him  
10 become Speaker, and increase that power after he became  
11 Speaker. Another purpose was to enrich the members of the  
12 enterprise, and they do those specifically through  
13 undisclosed payments into Generation Now. And some of those  
14 payments you've seen are bribe payments from FirstEnergy and  
15 FirstEnergy Solutions. And a purpose was to conceal their  
16 activities, to conceal their activities from the public, so  
17 the public was not seeing the money that was coming in from  
18 FirstEnergy as legislation was being passed, and to conceal  
19 the activities from law enforcement. You heard testimony  
20 about deleting messages and instructing others to do so.

21 Now, the evidence relating to the enterprise, it  
22 overlaps with the enterprise relating to the racketeering  
23 activity, the bribery and money laundering and concealment.  
24 But we're going to go through some of that same evidence  
25 now, but keep that in mind as you listen to the evidence

## CLOSING ARGUMENT BY MR. SINGER

24-3777

1                   relating to the underlying racketeering activities.

2                   So there are five main members of the enterprise:

3                   Larry Householder, Jeff Longstreth, Neil Clark, Juan

4                   Cespedes, and later on in the enterprise, Matt Borges.

5                   Starting with Mr. Householder, the Court's instructions made

6                   clear yesterday that the enterprise need not have fixed

7                   roles. There's no hierarchy, there need not be a hierarchy.

8                   Some members may have more involvement than others, but in

9                   this case, one thing is clear, Mr. Householder was the head

10                  of the enterprise. He was at the top. He was the person

11                  everyone answered to.

12                  You heard testimony from Jeff Longstreth and Juan

13                  Cespedes. You heard testimony from Megan Fitzmartin and

14                  Anna Lippincott. They all testified that Mr. Householder

15                  was the one in charge. He was the one they answered to.

16                  Lippincott and Fitzmartin were hired by Mr. Householder.

17                  Cespedes dealt directly with members of the enterprise, and

18                  he knew that Generation Now was offered for his benefit and

19                  offered and operated through his control. And you saw

20                  evidence of this in a recorded conversation with

21                  undercovers. Mr. Householder said himself when he was

22                  describing the candidates that he would put up to help him

23                  keep his power as Speaker: We have a team, I put the team

24                  together, we run the races and raise most of the money.

25                  He's picking his candidates. He's managing the team. He's

## CLOSING ARGUMENT BY MR. SINGER

24-3778

1       running the races and he's raising the money, that is  
2       consistent with the evidence you've seen throughout this  
3       trial.

4           Again, the purpose of the enterprise revolved around  
5       him, first, to help him become Speaker through Generation  
6       Now, a central feature of the enterprise. It allowed the  
7       enterprise to receive unlimited, undisclosed money that they  
8       used for their benefits, including the bribe payments. You  
9       saw this chart throughout trial. Just the money into  
10      Generation Now from FirstEnergy bank accounts, \$59.9 million  
11      from 2017 to 2020, a three-year period, \$59 million.

12       After he became Speaker, the purpose shifted to pushing  
13      through his legislative priorities and making sure they  
14      became law. The other enterprise members worked for his  
15      benefit and at his control. And they benefitted handsomely  
16      from it based on their proximity to Mr. Householder and the  
17      work that they did on his behalf.

18       Jeff Longstreth, \$2.5 million. Neil Clark, his  
19      involvement started at the end of 2018, but really kicked up  
20      around the House Bill 6 and the ballot referendum period,  
21      \$365,000. Juan Cespedes, you recall Juan Cespedes is a  
22      FirstEnergy Solutions lobbyist. In 2019 during the ballot  
23      referendum, the money flowed from FirstEnergy to Generation  
24      Now to Mr. Cespedes totaling \$600,000. And Matthew Borges,  
25      over \$360,000 in just over six months. The money from

## CLOSING ARGUMENT BY MR. SINGER

24-3779

1 Generation Now through Householder helped him pay for his  
2 staff and helped him run his campaigns.

3 You also heard testimony from Jeff Longstreth, another  
4 enterprise member. Starting off, his job was to run  
5 Householder's candidates, the Team Householder, the  
6 candidates that they recruited, that they put up so that he  
7 could become Speaker. And he was responsible for the plan  
8 early on. That included documents that he created where  
9 they planned on using a (c) (4) to recruit candidates and  
10 fundraise, where they mapped out who was on the farm, who  
11 were the people that they could rely on who were on their  
12 team where they could seek funds and find allies.

13 They had team meetings involving Generation Now, a  
14 501(c) (4), a 501(c) (4), the purpose of which 501(c) (4)s --  
15 as you've heard, the purpose of the 501(c) (4)s are to be  
16 social welfare organizations. This 501(c) (4) was used and  
17 controlled directly by a public official to bring in money  
18 for his own benefit.

19 They had office space where Mr. Householder's office  
20 was conveniently situated just next to the Generation Now  
21 offices in the same facility, on the same floor, the same  
22 area as Generation Now. And you saw slide and e-mail and  
23 document after document about Team Householder, the Team  
24 Householder candidates, recruited and funded for his  
25 benefit.

## CLOSING ARGUMENT BY MR. SINGER

24-3780

1           Mr. Longstreth testified about how his role was to  
2 control the funds, to control the accounts. He knew, as he  
3 testified, that the money coming in from FirstEnergy was  
4 with the expectation that Mr. Householder was going to pass  
5 legislation for their benefit. And he put that -- he  
6 brought the money in and he controlled the money as it went  
7 out.

8           And these charts are pretty, pretty complicated,  
9 they're pretty complex. And as my colleague mentioned in  
10 opening statements, that's for a reason. There's a reason  
11 that they're complicated. There's a reason that the money  
12 is moved from different accounts into different entities,  
13 and that's concealment. Enterprise members and associates  
14 were paid out of these accounts and they were used to  
15 further the enterprise's purposes.

16           Now, you heard about Neil Clark, another enterprise  
17 member. Neil Clark was Householder's right-hand man. You  
18 heard him on recorded calls strategizing with  
19 Mr. Householder about how to use 501(c)(4)s, who to  
20 fundraise from, and strategy. You heard him describe how  
21 money spent into Generation Now was Householder's money and  
22 how he used that money for the benefit of the people who  
23 paid the money, namely, FirstEnergy. You heard witnesses  
24 testify about Mr. Clark's role. Again, Anna Lippincott and  
25 Mr. Fehrman, Juan Cespedes, Jeff Longstreth, they all

## CLOSING ARGUMENT BY MR. SINGER

24-3781

1       testified that Neil Clark was right next to Householder.

2       You heard testimony that he was Householder's proxy from a  
3       number of people, including Mr. Clark himself.

4           And Mr. Cespedes in this text message to John Kiani,  
5       board chairman of FirstEnergy Solutions, he references  
6       Clark, he's the Speaker's proxy. And you recall this  
7       testimony, an incident where John Kiani called Householder  
8       to talk to him. Within minutes, Neil Clark called back and  
9       said: If you need something, you come through me. You  
10      heard Mr. Borges describe Neil Clark as Householder's proxy.  
11      (Recording playing.) He really is acting as his proxy.

12           And then how did Clark describe himself? As he told  
13      undercovers, every politician has got to have somebody that  
14      is the hit man, that will go out there and do the dirty  
15      shit, that's what he said. That's what he viewed his role  
16      to be, and based on the evidence, that is consistent with  
17      the evidence that you've heard.

18           Juan Cespedes was an enterprise member. Again, he was  
19      a FirstEnergy Solutions lobbyist, and he served as a  
20      middleman between FirstEnergy Solutions' executives and  
21      enterprise members. In particular, he worked closely with  
22      Jeff Longstreth as they transferred the money from  
23      FirstEnergy accounts into Generation Now, and he worked with  
24      Mr. Longstreth. Their goals were the same. As he said in  
25      this text message, let's get the deal done, let's get the

## CLOSING ARGUMENT BY MR. SINGER

24-3782

1 deal done. Let's get the legislation passed.

2 And you heard testimony about Matt Borges and his role  
3 in the enterprise. Now, Borges was not involved in the  
4 enterprise for the entire period, and the Court's  
5 instructions make it clear that that is not required. It's  
6 also not required that co-conspirators be friends. What the  
7 law says is that they're working together for the same  
8 purpose, knowingly and in agreement, and Mr. Borges  
9 certainly was. He quickly became a Team Householder member.  
10 In this text message that you see here, he's referencing  
11 "our candidate," a Team Householder candidate.

12 And Juan Cespedes testified Borges was one of his most  
13 trusted confidants. Mr. Cespedes told Mr. Borges about  
14 Generation Now. He told him how it benefitted Householder.  
15 He told Borges how it was used for the benefit of  
16 Mr. Householder and his candidates and that FirstEnergy  
17 Solutions paid money for Householder's benefit into  
18 Generation Now.

19 He told Mr. Borges how FirstEnergy Solutions agreed to  
20 pay \$15 million through Generation Now while House Bill 6  
21 was pending. So Mr. Borges entered the enterprise with his  
22 eyes open, and you'll see that as we go through the  
23 evidence. He worked directly with Cespedes and Longstreth  
24 and Householder and all of the enterprise members throughout  
25 the ballot campaign, and he became a part of our team. He

## CLOSING ARGUMENT BY MR. SINGER

24-3783

1 ran projects that were funded by the enterprise. This  
2 exhibit represents the million dollars paid into 17  
3 Consulting and how it was to be spent, a portion of that.  
4 After flowing from FirstEnergy to Generation Now to 17  
5 Consulting, he started writing checks to himself. And he  
6 started writing checks to Mr. Cespedes, and, ultimately, he  
7 used FirstEnergy money to write checks to Mr. Householder.

8 And he planned to use that relationship into the  
9 future. Although he started late, it was his intent to  
10 continue to use this relationship. As Mr. Cespedes says:  
11 The truth is, the relationship with the Speaker and his  
12 inner circle and candidates was the true win. It was like a  
13 front of the line pass to Team SLH. Mr. Borges responded:  
14 Yep, he called today as a matter of fact. Mr. Borges became  
15 part of Team SLH, and that's important to remember as you go  
16 through this evidence.

17 You saw phone contact after phone contact after phone  
18 contact between these same individuals. This is one example  
19 in a two-week period, Borges is talking to Cespedes and  
20 Clark and Householder and Longstreth, all during an  
21 important part of the ballot referendum campaign. And when  
22 an important event happened, here, Dave Yost, Attorney  
23 General, who had to make a decision about whether signatures  
24 could be collected that would impact their ballot referendum  
25 effort, it was Juan that tasked Mr. Borges with letting the

1       folks know.

2                  What does this evidence show? That shows that these  
3       five individuals were associated together, they were working  
4       for the common purpose of advancing Householder's power and  
5       enriching themselves and concealing their efforts, and they  
6       were doing this over a matter of years and intended to do  
7       this into the future.

8                  The first element is satisfied beyond a reasonable  
9       doubt.

10                 The second element, the enterprise was engaged in or  
11       its activities affected interstate or foreign commerce.  
12                 Now, as you heard in the instructions yesterday, the parties  
13       agreed to a number of stipulations. Those are on page 22  
14       and 23 of your jury instructions. And those stipulations  
15       indicated that House Bill 6, the enactment of House Bill 6,  
16       impacted interstate commerce; that the phone communications  
17       between Mr. Householder and Mr. Borges were facilities of  
18       interstate commerce; and that wire transfers from  
19       FirstEnergy to Generation Now and Generation Now to 17 C,  
20       Mr. Borges' company, all crossed state lines.

21                 This satisfies this element of the offense. It also  
22       addresses the jurisdictional requirements that you've seen  
23       in some of the racketeering activities, which we'll discuss.  
24       The government has proved this element beyond a reasonable  
25       doubt.

1           All right. The third element, the defendant was  
2 employed by or associated with the enterprise. Now, a lot  
3 of the evidence that satisfies this requirement we just went  
4 through in describing the enterprise and the fact that the  
5 enterprise existed. And what that evidence shows clearly is  
6 that Mr. Householder was associated with the enterprise.  
7 Again, it was set up for his goals, to raise him money to  
8 support his candidates, and to help him become Speaker.

9           And the same goes for Borges, all of the evidence that  
10 I've just described relating to his involvement in the  
11 enterprise show his association with the enterprise. It  
12 also shows his employment with the enterprise. He was paid  
13 money for services. He was paid money from FirstEnergy  
14 Solutions to Generation Now to 17 Consulting. This shows  
15 his employment with the enterprise and payments to him on  
16 his behalf. This element is satisfied.

17           So this leaves Element 4, the conspiracy, and this is  
18 where we'll go through most of the evidence that you've  
19 heard in this case. It requires that the defendant  
20 conspired to conduct or participate, directly or indirectly,  
21 in the conduct of the enterprise's affairs through a pattern  
22 of racketeering activity. Let's unpack that.

23           As the Court instructed yesterday, a conspiracy is an  
24 agreement, it's a criminal agreement, and the crime is the  
25 agreement itself, not completion of what was intended to be

## CLOSING ARGUMENT BY MR. SINGER

24-3786

1       done. It's the agreement itself is the crime, and the  
2       agreement, the agreement to enter into the conspiracy, does  
3       not require anything formal, a contract. You assess that  
4       based on all of the facts and circumstances, drawing all of  
5       the reasonable inferences. The law does not require, as the  
6       Court instructed, that everyone involved in the conspiracy  
7       agree to all of the facts. It does not require proof that  
8       everyone involved was there from the beginning. Some  
9       conspirators play major roles and some slight. That's all  
10      consistent with the law as the Court instructed. But to  
11      convict any defendant, the government must prove that an  
12      individual knew the conspiracy's main purpose and  
13      voluntarily joined it, intending to help or to achieve its  
14      goals.

15           Knew the conspiracy's purpose and voluntarily joined it  
16      to help advance or achieve its goals. And what were the  
17      goals here? This brings us to the pattern of racketeering  
18      activity. The conspiracy charge in this case is conspiracy  
19      to participate in the enterprise through a pattern of  
20      racketeering activity. What does that mean? As the Court  
21      instructed yesterday, a pattern of racketeering activity is  
22      two acts of racketeering activity, so agreeing that the  
23      enterprise will commit two acts of racketeering activity.

24           And what are the types of racketeering activity at  
25      issue? There are three main categories, the column on the

1       left, and you've heard the instructions and the elements of  
2       each of these yesterday, but they fall into three categories  
3       of types of activities. The category on the left, public  
4       official Honest Services Fraud, extortion under color of  
5       official right, and Ohio bribery. Essentially, this turns  
6       on whether Mr. Householder took money knowing that it was  
7       given in return for official action. Did he receive the  
8       money knowing that official action was expected in return?

9                 The second category, the middle column, that's private  
10      Honest Services bribery and Travel Act bribery. There are  
11      two statutes that address the same conduct, and that's the  
12      offer and ultimate bribe of Tyler Fehrman.

13               And the third category is money laundering, two  
14      different types of money laundering. There's concealment  
15      money laundering where the money is moved to conceal the  
16      origins and nature of the money, and there's monetary  
17      transactions and property derived from bribery. So the  
18      proceeds of the bribery when it is received, if it's  
19      knowingly transacted in amounts over \$10,000, that is a  
20      racketeering activity. So bribery comes into an account and  
21      a defendant or a conspirator transacts the money out in an  
22      amount over \$10,000, that's two racketeering acts.

23               What the government must prove is that each defendant  
24      either committed or agreed that another conspirator would  
25      commit at least two acts of these types of activity.

## CLOSING ARGUMENT BY MR. SINGER

24-3788

1           All right. So let's go through some examples here.  
2       Clearly, if a defendant commits two acts of any one of these  
3       types of activity himself, he is guilty. Now, the acts  
4       could be of the same type or they could be of a different  
5       type, but if one defendant commits two acts, that satisfies.

6           So, for example, if you find that Mr. Householder  
7       accepted two bribes to further the enterprise beyond a  
8       reasonable doubt, this element is satisfied. Or, for  
9       example, if you find that Mr. Borges knowingly made two  
10      financial transactions to conceal the nature or origin of  
11      the proceeds of bribe money, that element is satisfied.

12          If a defendant commits one act and agrees that another  
13       conspirator will commit another act, that also satisfies  
14       this element. So if you find that Mr. Householder accepted  
15       one bribe payment into Generation Now and then agreed, for  
16       example, that Jeff Longstreth would transfer \$10,000 out of  
17       Generation Now -- over \$10,000 out of Generation Now's  
18       account into another entity, that's two acts, an act  
19       committed by Mr. Householder and an act that he agreed would  
20       be committed by a co-conspirator.

21          Also, if you find that Mr. Borges joined the conspiracy  
22       and offered Mr. Fehrman bribe money for information that he  
23       would use to help defeat the ballot campaign, that's one  
24       act. And if he did so agreeing that Mr. Householder would  
25       accept one bribe from FirstEnergy Solutions as a member of

## CLOSING ARGUMENT BY MR. SINGER

24-3789

1       the enterprise beyond a reasonable doubt, that is the two  
2       acts.

3           Finally, a defendant may not personally commit any  
4       racketeering acts at all. You could find the defendant  
5       guilty simply by agreeing that another conspirator would  
6       commit two acts of racketeering activity and agreeing to be  
7       part of the enterprise and further its efforts. So if you  
8       find that Mr. Borges joined the conspiracy to further its  
9       purposes, and, in doing so, agreed that Mr. Householder  
10      would receive money from FirstEnergy Solutions during the  
11      ballot campaign in exchange for legislation, and that  
12      Mr. Longstreth would transfer that money in amounts over  
13      \$10,000, the crime is committed. The element is satisfied  
14      if you find so beyond a reasonable doubt.

15           Now, as you can tell based on the evidence you've heard  
16      and what is required to be proved, there are dozens of  
17      racketeering acts in this case. Mr. Householder accepted  
18      through the enterprise \$60 million from FirstEnergy,  
19      FirstEnergy Solutions, over a three-year period, receiving  
20      wires about every three months. And the enterprise  
21      transferred numerous transactions over \$10,000 involving  
22      those proceeds and conducted numerous wires intending to  
23      conceal the origin and nature of the payments.

24           This chart lists the payments and the categories of  
25      payments that qualify as racketeering acts, and the public

1 official bribery, private citizen bribery, the money  
2 laundering, and the money laundering transactions over  
3 10,000. So, for example, focussing on the bottom column,  
4 Generation Now transferred 59 transfers, based on the bank  
5 records that you've seen, over \$10,000 to JPL & Associates.  
6 That's 59 separate racketeering acts.

7 All right. Let's start with the first column, public  
8 official bribery. We're going to go through what the law  
9 requires for these statutes, and then we're going to apply  
10 the facts, the evidence that you've seen, to that law.  
11 There are three public official bribery statutes, and  
12 they're all very similar. Under the Court's instructions,  
13 the Honest Services and the Extortion Under Color of  
14 Official Right require what's called an explicit quid pro  
15 quo, this for that. This requires a clear understanding  
16 that the money was given in return for specific official  
17 action.

18 Now, this clear understanding, this agreement, it need  
19 not be expressed. There are no formalities. The law does  
20 not require the bribe payor to say to the public official,  
21 I'm giving you this money in return for your legislation.  
22 That's not what the law requires. The law anticipates that  
23 that's not how people act, so subtle winks and nudges.

24 In your assessment based on your common sense and all  
25 of the reasonable inferences that you can draw based on

## CLOSING ARGUMENT BY MR. SINGER

24-3791

1       every piece of evidence, including the volume of money, the  
2       timing of payments, the circumstances of those payments, the  
3       witnesses who you've heard testify, you consider all of that  
4       in determining whether based on your common sense bribery  
5       was committed, that money was given in return for official  
6       action.

7                 Now, bribery includes a public official soliciting  
8       money in exchange for agreeing to perform official action,  
9       and it includes receiving money when the public official  
10      knows that the money is being given in return for official  
11      action. So when a public official receives money knowing  
12      that the bribe payor is giving that money with the  
13      expectation that they will get legislation or official  
14      action, that's bribery.

15                 What is official action? You were given instructions  
16      on that. Official action is making a decision or agreeing  
17      to make a decision on a specific question or matter, here,  
18      enacting legislation, a specific and focused decision on a  
19      question or matter. It also includes pressuring or advising  
20      other public officials to perform official action, but the  
21      public official need not actually perform the official  
22      action. The law criminalizes the agreement to perform  
23      official action, like agreeing to introduce legislation.  
24      Now, actual commission of the official action is evidence of  
25      the agreement, but it's not required under the law.

1           So boiled down, what do these statutes require? That  
2 the government prove that Mr. Householder solicited or  
3 received money knowing it was given in return for specific  
4 official action, knowing that it was given in return for  
5 bailout legislation. Did he receive the money knowing that  
6 the expectation was legislation in return? The answer is  
7 yes, beyond a reasonable doubt.

8           Let's go through why. The evidence shows that  
9 Mr. Householder received over \$60 million from FirstEnergy  
10 bank accounts from 2017 to 2020 and he received the money  
11 knowing its purpose. The money was intended to help him  
12 become Speaker, and the reason that FirstEnergy Solutions  
13 and FirstEnergy wanted him to become Speaker was because he  
14 would be in a position to pass the legislation they so  
15 desperately needed.

16           Let's talk about the types of evidence you've seen to  
17 support this conclusion. Motive: Householder needed to  
18 raise money and he needed to raise a lot of it. He had --  
19 if he was going to become Speaker, he needed to fund  
20 candidates, he needed to hire employees, and he needed to  
21 raise it fast. He also had personal financial issues,  
22 including a \$1.8 million judgment. He had attorneys' fees  
23 piling up that he could not pay on his own, and he needed  
24 this out of the way in order to run for Speaker.

25           For its part, FirstEnergy Solutions needed a

## CLOSING ARGUMENT BY MR. SINGER

24-3793

1 legislative solution. You heard testimony from Steven  
2 Staub, a FirstEnergy executive, FirstEnergy was bleeding  
3 money. The shareholders were not making money. The  
4 prospects were grim, all because the nuclear power plants  
5 were not competitive. They could not operate at a profit,  
6 and the only solution was to shut them down -- according to  
7 FirstEnergy at the time, was to shut them down, enter  
8 bankruptcy, or get a taxpayer-funded subsidy, a bailout. So  
9 they needed each other. FirstEnergy had what  
10 Mr. Householder needed, unlimited cash, and Householder  
11 had -- could provide what FirstEnergy needed, the power to  
12 enact and pass legislation.

13 Other evidence you've seen relates to concealment, an  
14 essential purpose of the enterprise. And why does  
15 concealment matter? Facts are not concealed for no reason,  
16 they're not. Concealment shows corrupt intent. And what  
17 concealment evidence have you seen? First, Generation Now,  
18 the very nature of the entity shows concealment. Mr. Clark  
19 described it in a recording. (Recording playing.)

20 If you have a (c) (4), you can give as much money -- you  
21 can receive as much money as you want and no one is never  
22 going to know. Mr. Clark repeated this to the undercover.  
23 (Recording playing.) The money was concealed. It's not  
24 reported, it's not recorded.

25 Other evidence of concealment, the very nature of the

1 enterprise that they created. Eight different entities:  
2 Generation Now, Growth and Opportunity PAC, Hardworking  
3 Americans, Hardworking Ohioans, Ohioans For Energy Security,  
4 the Coalition and Growth Opportunity PAC, 17 Consulting;  
5 FirstEnergy had its own 501(c)(4), Partners For Progress.  
6 All of these entities sending money around making it  
7 difficult to determine the origin of the money, the control  
8 of the money, and it did so for a reason. This was not an  
9 accident. This concealment allowed them to receive millions  
10 of dollars without public scrutiny.

11 You heard evidence that both Mr. Borges,  
12 Mr. Householder, deleted messages. According to Special  
13 Agent Blane Wetzel's review of Mr. Borges' phone, he deleted  
14 messages during important times relating to his meetings  
15 with Tyler Fehrman. And you heard Mr. Householder testify  
16 he deleted every text message, every e-mail, every phone  
17 contact from his phone routinely, every text message, every  
18 e-mail, every phone contact. Mr. Householder also failed to  
19 report a \$1.89 million judgment, his entity which was sued  
20 to satisfy the judgment, and a \$1,500 hotel expense paid by  
21 Tony George, a middleman for FirstEnergy executives, on his  
22 financial disclosures.

23 You also heard testimony from Mr. Longstreth and Ms.  
24 Lippincott that they were instructed by Neil Clark to delete  
25 everything that they had in their computers relating to the

## CLOSING ARGUMENT BY MR. SINGER

24-3795

1       ballot referendum, to delete it all after it was over. This  
2       is concealment, and it shows corrupt intent.

3                  You also heard from enterprise members and statements  
4       by enterprise members, and out of the five people we just  
5       walked through, four of them admit either through testimony  
6       or in recordings that Mr. Householder had a corrupt  
7       relationship with FirstEnergy. You heard Mr. Cespedes and  
8       Mr. Longstreth both testify under oath that Mr. Householder  
9       was involved in a bribery scheme, money in return for  
10      legislation. You heard Neil Clark say on recordings that  
11      Mr. Householder received millions of dollars from  
12      FirstEnergy and he went to war for them, that it was pay to  
13      play. And, again, you heard Mr. Borges characterize the  
14      relationship between FirstEnergy and Householder and his  
15      firm as an unholy alliance. So the statements out of the  
16      mouth of four of the five enterprise members support the  
17      bribery agreement.

18                  You also walked through and saw just a lot of  
19      documents, a lot of e-mails, a lot of bank records, a lot of  
20      phone records, they all support this same conclusion. But  
21      in the end, in the end, the volume of money, the sheer  
22      volume of money, of the 64 million that was brought into --  
23      that was received by Generation Now during this period,  
24      there were 56 contributors who were not FirstEnergy. Of  
25      those 56 contributors, they combined gave \$4.4 million. So

1       56 entities gave \$4.4 million and one entity gave \$60  
2       million.

3           Now, let's be clear, Mr. Householder did not take the  
4       \$60 million and put it in his pocket, and that's not what  
5       was required. The question is: Was it a thing of value?  
6       And, of course, it was, he made that clear on a recording.  
7           Increasing political power is important. (Recording  
8       playing.) Using the money to make sure that his political  
9       power is intact was one of the purposes of the enterprise.  
10      And he funded his candidates, he won his Speakership, he  
11     paid for his staff, he funded his efforts, and he used it to  
12     make sure that his priorities passed, and in the process,  
13     kept some money aside for himself.

14           All right. Let's walk through the first batch of  
15     payments. In early 2017, the plan became clear, FirstEnergy  
16     was going to bankroll Householder's operation, his political  
17     machine. You heard testimony from Jeff Longstreth about the  
18     inauguration, the meeting at Charlie Palmer steakhouse, the  
19     meeting at the Palm that followed. What did he testify? He  
20     testified that there was a dinner on January 18th, Mike  
21     Dowling was there, Jeff Longstreth was there, Chuck Jones  
22     was there, and Mr. Longstreth and Mr. Dowling talked about  
23     the issues. They talked about the fact that Longstreth  
24     needed FirstEnergy to be supportive, and Mr. Dowling said  
25     FirstEnergy would be very supportive of the Speaker, but

1       they need to get moving on this. They need to set up an  
2       organization where they could receive undisclosed, unlimited  
3       contributions.

4                 The next night or the night after, there's a dinner  
5       with Householder and Longstreth and Chuck Jones and Mike  
6       Dowling and Tony George, Householder's team at the time and  
7       the top brass at FirstEnergy. In that meeting, in that  
8       dinner, Householder laid out his plan for becoming Speaker:  
9       Recruit candidates, raise money, get elected, and have them  
10      vote for him for Speaker.

11               At that same dinner, FirstEnergy executives laid out  
12      what they needed. They weren't profitable. They needed a  
13      solution, and they needed it at the federal level and the  
14      state level, but they were going to need legislation, and  
15      they laid out the problems with the plans. Now, remember,  
16      Mr. Longstreth testified that the whole reason for the  
17      inauguration trip was so that they could raise money, that  
18      was why they were there. So Chuck Jones and Mike Dowling  
19      knew that the Speaker needed money, they knew what he needed  
20      money for. And Mr. Householder knew they needed that --  
21      that FirstEnergy needed legislative help.

22               And this testimony is consistent with the documents  
23      that you've seen. It was not an accident that Householder  
24      and the FirstEnergy executives ended up together having this  
25      discussion. These are hotel receipts from Tony George,

## CLOSING ARGUMENT BY MR. SINGER

24-3798

1 identical for both Chuck Jones and Larry Householder, the  
2 same hotel, the same day. The reservations were made  
3 literally within a minute of each other. Those reservations  
4 are from January 18th to January 21st, all paid for by  
5 Chuck -- by Tony George. So Tony George, a friend of Chuck  
6 Jones, a FirstEnergy consultant, is floating  
7 Mr. Householder's hotel room, a hotel room that he did not  
8 include on his financial disclosure reports.

9 Householder took the jet, the FirstEnergy jet, to the  
10 inauguration. And you saw the itineraries of what they  
11 planned to do. This is an e-mail from Jeff Longstreth to  
12 Householder. They had dinner reservations at Charlie  
13 Palmer, multiple dinner reservations at the Palm, all  
14 matching up with Mr. Longstreth's testimony. That itinerary  
15 matches the itinerary from FirstEnergy listing those same  
16 dinners with Larry Householder.

17 And then you saw the pictures, the photos from  
18 January 18th, 2017, Mr. Householder with his son meeting  
19 with Marcus Luttrell. And then later, in a limo, on  
20 January 18th, 2017 at 10:20 p.m., you can see the pants  
21 Mr. Householder is wearing match the pants in the limo. You  
22 can see Mr. Householder's son in the limo next to Mike --  
23 two people down from Mike Dowling. You saw Mr. Householder  
24 at 10:30 at night out with individuals who were in the same  
25 limousine. And you saw evidence that that picture from the

## CLOSING ARGUMENT BY MR. SINGER

24-3799

1 limo was taken just outside of Charlie Palmer steakhouse.

2 All of this consistent with what Mr. Longstreth described.

3 But you heard a different story, and that story was  
4 during Mr. Householder's testimony. His testimony is not  
5 consistent with this evidence. He did not tell the truth in  
6 his testimony about his trip to Washington, DC. He  
7 testified that he went with his son on January 18th, that he  
8 went to the Marcus Luttrell meeting and then went out with  
9 his son, went home early because his wife and his other sons  
10 were coming the next day. He testified that he only saw  
11 Mike Dowling on the flight and at a luncheon on the 19th,  
12 and that he did not go to Charlie Palmer steakhouse.

13 All of those statements are completely contradicted by  
14 the evidence that you've seen, the evidence that you're  
15 looking at right now. He was out on January 18th at a bar,  
16 in a limo, with Mike Dowling at the Charlie Palmer  
17 steakhouse. Mr. Householder's testimony was not true.

18 And so what -- what do you draw from that? The  
19 reasonable inference is that's concealment. And what does  
20 concealment show? That there was something to hide. And  
21 why would he hide it? Because it's evidence of his  
22 corruption. This is where you use your common sense. He  
23 flew on FirstEnergy's jet. He stayed in a hotel funded by  
24 FirstEnergy. He went out to dinner and meetings with them  
25 and talked about his need for money and their need for a

## CLOSING ARGUMENT BY MR. SINGER

24-3800

1       solution. And then what happened next? The money started  
2       pouring in.

3           There are phone calls between Householder and Chuck  
4       Jones directly after the meeting. You heard Mr. Longstreth  
5       testify, within shortly after the inauguration,  
6       Mr. Householder walked into his office and said FirstEnergy  
7       is going to give us a million dollars. That is supported by  
8       the documents, including phone records, meeting invites.  
9           This is an e-mail from February 6th showing that Chuck Jones  
10      talked to Larry Householder that day, the same day,  
11      Generation Now incorporated and set up a bank account, the  
12      same day that Jeff Longstreth e-mailed Mike Dowling about  
13      Generation Now. So on the same day that Chuck Jones and  
14      Larry Householder are talking about legislation, they  
15      created Generation Now and e-mailed Mike Dowling about  
16      funding Generation Now.

17           A month later, it's approved, \$1 million in four  
18      \$250,000 increments. The documents and evidence paint a  
19      pretty clear picture, FirstEnergy paid the money to  
20      Householder so that he could help them with legislation.

21           And the text messages and documents backed that up.  
22           Within a month later, several months later, Householder --  
23      or Longstreth testified -- texted Mike Dowling: Let me know  
24      if there's anything that we can do for you guys. And how  
25      did he respond: I know that you guys are there for us. How

## CLOSING ARGUMENT BY MR. SINGER

24-3801

1 did he know they were there for us? Because they had talked  
2 about it, because they've already entered the agreement.

3 Shortly after that, you heard testimony from Longstreth  
4 about the meeting at the Greenbrier between Chuck Jones and  
5 Mike Dowling and Jeff Longstreth, and what did he say? Jeff  
6 Longstreth testified that they talked -- he gave an update  
7 about the Speaker's plan, a deep, detailed summary of  
8 candidate recruitment and where they were with the race.

9 And what did Chuck Jones say? We need a state solution, we  
10 need the legislation, we have to get Householder over the  
11 line because he wouldn't let anything bad happen to us.  
12 They had to get Householder into the Speakership.

13 And the documents back it up. The Greenbrier, the  
14 meeting with Chuck Jones and Longstreth and Dowling. The  
15 follow-up e-mail about the next \$250,000 payment into  
16 Generation Now. And the meeting between Householder and  
17 Chuck Jones that followed. You're going to see a pattern as  
18 we go through each of these payments: Householder needs  
19 money, he reaches out to FirstEnergy, and they come through.

20 All right. Let's walk through how just this first  
21 payment benefitted Mr. Householder personally. So as you  
22 can see, the beginning balance in February was zero. They  
23 had just opened the account. It was funded by a \$25,000  
24 payment, and then the document on the other side shows  
25 March 16th, \$250,000 payment from Generation Now. So at

## CLOSING ARGUMENT BY MR. SINGER

24-3802

1       this point, Generation Now is substantially funded by  
2 FirstEnergy money.

3           What did Mr. Longstreth's bank records show? They were  
4 basically empty. There's \$5,000 in the bank account until  
5 Generation Now started funding Jeff Longstreth's account,  
6 including a \$23,000 check and a \$43,000 check. So the money  
7 flowed from FirstEnergy into Generation Now. Generation Now  
8 paid the money into Jeff Longstreth, and Jeff Longstreth  
9 paid the money out to pay for Larry Householder's attorneys.  
10 This \$60,000 check -- these two \$30,000 checks in May of  
11 2017 are the direct result of the money from FirstEnergy  
12 into Generation Now. That's how they were funded. So the  
13 payment, with the expectation of legislation down the road,  
14 was then used -- into Generation Now, was then used in these  
15 two checks, both of which are more than \$10,000.

16           The reasonable conclusion based on this evidence and  
17 the testimony from Longstreth and all of the documents and  
18 messages and witness testimony and your common sense are  
19 that Householder knew that that million dollars, a million  
20 dollars, was given with an expectation, and the expectation  
21 was that he would use it to become Speaker, and he would  
22 pass that state solution, just like Chuck Jones said at the  
23 Greenbrier.

24           This is a racketeering predicate, and these two checks,  
25 the proceeds of that bribe money, are racketeering

## CLOSING ARGUMENT BY MR. SINGER

24-3803

1 predicates that they are money laundering. They are  
2 monetary transactions over \$10,000.

3 You saw these payments in the summary slide relating to  
4 the benefits Mr. Householder received. Based on this  
5 evidence, as of 2017, the elements are satisfied for  
6 Mr. Householder beyond a reasonable doubt, but there were  
7 more, there were so many more. Quite literally, every three  
8 months or four months, Mr. Householder reached out for more  
9 money and FirstEnergy sent more money in response.

10 Now, let's talk about how this shows an agreement. As  
11 the Court instructed and discussed before, every payment is  
12 not required that there was a discussion about I'm going to  
13 give you this and you're going to give me that in return.  
14 To the contrary, the fact that every time Mr. Householder  
15 reached out for money, it showed up in his account, it shows  
16 that the agreement is there. They would not be --  
17 FirstEnergy would not be pumping this type of money into  
18 Generation Now but for the fact that they expected the  
19 money -- based on the evidence you've seen -- that they  
20 expected the legislation, based on the evidence you've seen.  
21 And there were three payments in the spring of 2018: A  
22 \$300,000 payment from Partners For Progress, another  
23 \$100,000 payment, and then a \$400,000 payment. And we're  
24 going to walk through each of those.

25 But before, let's hear what Mr. Clark says about

## CLOSING ARGUMENT BY MR. SINGER

24-3804

1       FirstEnergy. (Recording playing.) He said: We call  
2       FirstEnergy the bank, they're the bank. We just go to them  
3       for money. When we're running low, we go to FirstEnergy for  
4       money.

5           All right. So I mentioned Partners For Progress.  
6       These payments went from Partners For Progress to Generation  
7       Now. And what's Partners For Progress? It is a 501(c) (4)  
8       that was set up days after the inauguration funded entirely  
9       by a \$5 million wire from FirstEnergy. All of the money in  
10      Partners For Progress is funded by FirstEnergy. So the  
11      money out of Partners For Progress is FirstEnergy money  
12      going to Generation Now. And Mike Dowling made that clear  
13      in 2020 relating to a different payment where he mentioned  
14      that we, FirstEnergy, are going to make a significant  
15      contribution to Generation Now from Partners For Progress.  
16      FirstEnergy controls the money. They funded Partners For  
17      Progress, and they determined how it's spent.

18           All right. Let's look at these payments. This is  
19      March 2018, Generation Now has got \$8,000. Now, March 2018,  
20      that is in the middle of the primary season. This is when  
21      they need money. They've got their Team Householder  
22      candidates. They're trying to get Householder candidates to  
23      win so that they can help him be Speaker. They need money.  
24      So what do they do? Mr. Householder calls Mike Dowling,  
25      they have a series of conversations, the same day. And then

## CLOSING ARGUMENT BY MR. SINGER

24-3805

1 days later, a \$300,000 check shows up in the Generation Now  
2 account. How did they use the money? Pay staff, to fund  
3 mailers against Team Householder opponents, to fund the  
4 candidates who are Team Householder.

5 Now, it's important to recognize that this is in the  
6 middle of the Team Householder versus the Team Smith primary  
7 campaign, and it's a battle. And you get the sense of that  
8 through the recordings. (Recording playing.) So they're  
9 talking about using (c)(4) money, how they're going to use  
10 it. They're going to use it against their opponents.  
11 They're going to use it against people who are not  
12 supportive of them.

13 The \$100,000 payment was similar, just a month later,  
14 they needed money, the money came. You also heard testimony  
15 about a payment from Hardworking Americans. Hardworking  
16 Americans is another PAC that was used, and the way that it  
17 passed through was similar. Householder meets with Jones,  
18 he meets with Tony George, and this came on the heels of  
19 Householder's own primary against Kevin Black where he was  
20 neck and neck. He had to win his primary in order to have  
21 any chance of becoming Speaker. So Jeff Longstreth sends a  
22 One Ohio United contribution form. That contribution form  
23 was sent to Mike Dowling requesting a \$400,000 contribution,  
24 and then a convoluted pass-through, FirstEnergy pays  
25 \$400,000 to One Ohio United, which pays \$575,000 to Citizens

1       For Working America, which pays \$353,000 to the Hardworking  
2       Americans committee, which pays \$404,000 to New Day Media.  
3       If that's a mouthful, it's because it is, all of these  
4       different entities? And what did it fund, a dirty money --  
5       in part, a dirty money/dirty politics ad attacking  
6       Mr. Householder's opponent. Mr. Clark and Mr. Householder  
7       discussed it. (Recording playing.)

8           All right. So that's Clark and Householder talking  
9       about a dark money ad against their opponent. And let's see  
10      the ad. (Video playing.) So the Hardworking Americans  
11      committee pays for this ad that Clark and Householder just  
12      talked about that was funded by FirstEnergy money that  
13      flowed through four different entities. That's concealment.

14           The August 2018 payment, \$500,000 from Partners For  
15      Progress, less than three months later. Householder needed  
16      money, and he went back to the bank. Rinse, wash, repeat.  
17      \$2,000 in the bank account. Now, this came on the heels of  
18      about \$238,000 that was paid out of Jeff Longstreth's  
19      account for Mr. Householder's personal benefit. So they  
20      paid over \$200,000 for Mr. Householder, and their bank  
21      account shrinks down to 2, so they reach back out.

22           And here's Mr. Dowling and Mr. Jones talking about  
23      Householder's request on August 5th. Chuck Jones says:  
24      Householder looking for more money? Mike Dowling says: You  
25      know the answer to the Householder question, but I don't

## CLOSING ARGUMENT BY MR. SINGER

24-3807

1 know how much he'll ask. I'll get a list from Ty as to that  
2 race he's most interested in winning, and I'll have  
3 something for you. He'll want hard money first and then  
4 (c) (4) money for sure. Mike Dowling then says: Larry wants  
5 to hear about us, status of the company, what's important,  
6 money will come up, help with key races.

7 So they're going to meet, they're going to talk about  
8 how Householder can help them, what specific needs they need  
9 right now, what the legislation is going to look like, and  
10 he's going to talk to them about what he needs for him to  
11 become Speaker and how they can fund his races. The next  
12 day they meet, and, once again, \$500,000 shows up in the  
13 Generation Now account.

14 This text message between Householder and Jones  
15 followed. Chuck Jones says: We're rooting for your team.  
16 Householder says: I'm rooting for you as well. We're on  
17 the same team. They're on the same team all right, their  
18 interests are aligned. The money is being paid for a  
19 reason. There is only one reasonable conclusion, the team  
20 that Householder is talking about is funding Householder's  
21 efforts to become Speaker; and why are they doing it, so  
22 that he can pass legislation to save the plants. He  
23 received it with that expectation and it is part of the  
24 ongoing agreement. These payments are acts of racketeering.

25 But there's more. Two checks in October 2018. Now,

1       this one is a little bit different. These are FirstEnergy  
2 Solutions' checks, and you'll recall that FirstEnergy Corp.  
3 and FirstEnergy Solutions are starting to move in separate  
4 directions. That's why Mr. Cespedes was hired, who then  
5 hired a team -- his own team to help further FirstEnergy  
6 Solutions' interests. And you'll recall his testimony. The  
7 information was one way. FirstEnergy, they knew all about  
8 what FirstEnergy Solutions was doing, but FirstEnergy  
9 Solutions was kept in the dark about what Chuck Jones and  
10 Mike Dowling were doing.

11           And Mr. Cespedes described a meeting that he had with  
12 Householder on August 1st, and they met and they described  
13 what they needed out of the legislation. And shortly after,  
14 Mr. Householder called Bob Klaffky, who was also there, and  
15 during that call, according to Mr. Cespedes, Householder  
16 asked for multiple hundred-thousand-dollar contributions.  
17 And at the time, Bob Klaffky pushed back. He didn't know,  
18 as a company that was now in bankruptcy, if they could even  
19 fund that. And what did Householder say? They have to  
20 figure it out, they have to figure out how to come up with  
21 the money. And so they did.

22           And this led to the meeting on October 10th, 2018. And  
23 you saw the message Klaffky sent to Cespedes two days before  
24 that: Householder just called me, he's wondering if FES is  
25 going to be doing anything. Are they going to be providing

1 me any money? The next day: We will have a check for  
2 Householder tomorrow. And the check was a \$400,000 check to  
3 Generation Now that was handed to Mr. Householder,  
4 Generation Now, a 501(c)(4), social welfare organization, or  
5 at least it's supposed to be.

6 Mr. Cespedes described that meeting. He said that they  
7 split the checks up so that they had -- would have more  
8 opportunity to get face time with Householder, more  
9 opportunity to stress to Mr. Householder what they needed,  
10 what specific things they wanted in legislation. And in the  
11 meeting, they laid out -- they discussed the Speaker race,  
12 they discussed Householder's need for money, and a check was  
13 provided to Mr. Householder. And in doing that,  
14 Mr. Cespedes testified that Bob Klaffky said, my client  
15 cares very much about our issue, as he provided the check to  
16 Householder and showed him how much was on the check.  
17 Cespedes testified Householder looked at the check and said:  
18 Why, yes, they do.

19 He knew why they were giving the money, they care about  
20 their issue, they care about getting the legislation passed,  
21 and he received it with that knowledge. And after receiving  
22 that check, they discussed specifically the nuclear  
23 legislation, and Householder indicated that he would support  
24 it.

25 You saw Mr. Cespedes testify. You had the opportunity

## CLOSING ARGUMENT BY MR. SINGER

24-3810

1 to assess his credibility. Everything that he testified  
2 about is consistent with the evidence that you have seen.  
3 Mr. Cespedes testified that he had no doubt Householder  
4 would push for the bailout legislation after the  
5 October 10th meeting. After receiving the check, what does  
6 Mr. Householder do? He sends a message to Chuck Jones:  
7 \$400,000, thank you.

8 Now, you also saw Mr. Klaffky testify, testified he was  
9 a longtime friend of Larry Householder, that he supported  
10 him for Speaker, and, in fact, on election night spent it at  
11 Generation Now's office with Mr. Householder and Ty Pine,  
12 another FirstEnergy lobbyist. Bob Klaffky testified he  
13 couldn't remember what was said at the October 10th meeting.  
14 He couldn't remember anything that was said at the  
15 October 10th meeting. He admitted that Householder received  
16 a check for \$400,000 from Generation Now. And he later  
17 admitted in his testimony that Juan Cespedes routinely  
18 repeated in meetings with him, my client cares very much  
19 about our issue, well, yes, they do, confirming that these  
20 are the words that were spoken by -- during the meeting with  
21 Householder and this was his response when he received that  
22 check.

23 This is consistent with Mr. Cespedes. This alone  
24 shows, this exchange, this money in this context with this  
25 backdrop, that Mr. Householder received that money knowing

## CLOSING ARGUMENT BY MR. SINGER

24-3811

1       that FirstEnergy Solutions expected legislation in return.

2       That is what Mr. Cespedes testified.

3           And that is what the instruction is in this case. An  
4       agreement was reached if the evidence shows that the public  
5       official received a thing of value knowing it was given with  
6       the expectation that the official would perform a specific  
7       official act in return. That's what happened here.

8           Now, Bob Klaffky also testified that he didn't see any  
9       agreement, he didn't see any pay to play. Of course, he  
10      didn't have the benefit of the Court's instructions about  
11      what is required under the law. He also admitted that he --  
12      if he testified that he was involved in pay to play, that  
13      could end his career, it could end the career of one of the  
14      most powerful lobbyists in Ohio. So he had an interest in  
15      distancing himself, distancing himself from the exchange, an  
16      exchange that he couldn't remember what was said in.

17           The documents support Mr. Cespedes' testimony. Shortly  
18      after the meeting, he wrote a report that said: If  
19      Householder is successful, the effort will likely be led  
20      from his chamber. And then you saw this text message  
21      exchange between Cespedes and Klaffky: The \$500,000  
22      investment seems very wise right now, this is a good day.  
23      This is the same day that Householder is elected Speaker,  
24      the \$500,000 investment. How does Klaffky respond? High  
25      risk, high reward. Sadly, I lived by that principle too

## CLOSING ARGUMENT BY MR. SINGER

24-3812

1 long, I'm exhausted. High risk, \$500,000 is a lot of money.  
2 High reward, a legislative bailout worth a billion dollars.  
3 That's a pretty big reward.

4 The evidence is clear, FirstEnergy Solutions invested  
5 the \$500,000 because they wanted the bailout, and  
6 Householder knew that when he accepted it. This is a  
7 racketeering act. But it wasn't enough.

8 Householder reached out again in October 2018, this was  
9 at the end of the primary season, and they needed more  
10 money. So Householder reaches out to Chuck Jones, he sets  
11 up a meeting on October 23rd. That same day, Mr. Longstreth  
12 sends wiring instructions for Hardworking Ohioans.  
13 Hardworking Ohioans is the new entity that's being used for  
14 concealment for the general election. So there is  
15 Hardworking Americans and Growth and Opportunity PAC in the  
16 spring; Hardworking Ohioans, a new concealment method, in  
17 the fall.

18 This is Chuck Jones describing why they need to raise  
19 money for Householder, and he's describing what he's going  
20 to tell Bob Murray, another energy guy. We believe in Larry  
21 and think he can and will be Ohio's next Speaker. This is  
22 important to all of us. Why is it important? He has a need  
23 for a final push. We've committed \$700,000 to the effort  
24 and I'd like to ask for your help with 100,000 more.

25 When Mike Carey, who works for Bob Murray, arranged for

1       the \$100,000 just referenced, Chuck Jones says: Make sure  
2       he gets credit with Householder. They all know the money is  
3       going to Householder. They all know it's going for his  
4       purposes.

5           And in the end, the plan worked. Householder used the  
6       money to become Speaker. He thanked Chuck Jones for his  
7       support. The day that he became Speaker, he created a  
8       subcommittee on energy generation, and months later, a  
9       billion-dollar legislative bailout for FirstEnergy  
10      Solutions.

11           There's only one reasonable conclusion based on this  
12       evidence, the money was for the legislation. It is  
13       supported by the testimony of Longstreth and Cespedes. It's  
14       supported by the documents. And it's supported by Matt  
15       Borges himself. (Recording playing.) Unholy alliance, it's  
16       an unholy alliance between Larry and FirstEnergy and  
17       Roetzel. Matt Borges knows this agreement is corrupt.

18           Neil Clark says the same thing in different words.  
19       (Recording playing.) All right. So Clark describes the  
20       Speaker took this million, million-and-a-half, \$2 million,  
21       and he went to war for them. And recall, Mr. Clark worked  
22       for the enterprise during the Hardworking Ohioans part of  
23       the campaign, so he's familiar with the money that was  
24       received during that time. He went to war and he beat them  
25       to death. Those guys that go to the wall can only do it

## CLOSING ARGUMENT BY MR. SINGER

24-3814

1       once a year, because if they do it all the time, everyone  
2       knows that they're pay to play. Clark is describing the  
3       relationship between the FirstEnergy money to Larry  
4       Householder as pay to play, this for that, money for  
5       legislation.

6           And then there's Chuck Jones' e-mail -- text messages  
7       with Mike Dowling the day that House Bill 6 passed, Mike  
8       Dowling tells him it passed. And how did Chuck Jones  
9       respond? We made a big bet and it paid off. We made a big  
10      bet and it paid off. Actually, two big bets. Dowling  
11      responds: Huge bet and we played it all right on the budget  
12      and House Bill 6, so we can go back for more. The next  
13      message is a specific reference to a party with the Speaker.  
14      It's pretty clear what the bet was, at least one of those  
15      bets, the millions of dollars that FirstEnergy put in to get  
16      Householder elected Speaker and the massive bailout that was  
17      passed shortly thereafter.

18           All of these payments satisfy the elements. But, of  
19       course, the payments continued. \$15 million more. And they  
20       started when the Generation Now bank account was low. Chuck  
21       Jones and Larry Householder talked about providing money,  
22       paying for ads to help provide cover for other public  
23       officials so they could vote for House Bill 6, and he  
24       convinced Chuck Jones to run the money through Generation  
25       Now. Householder says he's cheap. I won't spend as much as

1       Rex does, the Strategy Group guy who's going to fund or  
2       create the ads. Chuck Jones says: I would say you're a  
3       bargain, not cheap. Millions of dollars for a  
4       billion-dollar bailout, that's a bargain.

5                  You heard Mr. Cespedes talk about, and Mr. Longstreth  
6       talk about, the switch from Dewey Square to Generation Now.  
7       FirstEnergy Solutions had hired Dewey Square to run their  
8       grassroots effort. But because Larry Householder was upset  
9       and because Householder wanted to run it himself so the  
10      money could run through Generation Now so he could control  
11      it, Longstreth instructed FirstEnergy Solutions that they  
12      had to fire Dewey and they had to hire Generation Now now,  
13      and they had to run \$15 million through Generation Now so  
14      they could run the grassroots campaign at a time when their  
15      bank accounts were low. And they used that money to create  
16      mailers and ads to create cover for officials to vote for  
17      House Bill 6, but they also used to pay for their staff,  
18      millions of dollars transferred to Jeff Longstreth's  
19      account. And Mr. Cespedes told Mr. Borges about it. Who  
20      would think that a bankrupt company is willing to spend  
21      \$15 million? Cespedes testified that he described to  
22      Mr. Borges why they were paying the money, how they felt  
23      like they had no choice. Now, think about this, this is  
24      legislation that is pending, and the Speaker of the House,  
25      one of the most powerful people in the state of Ohio,

## CLOSING ARGUMENT BY MR. SINGER

24-3816

1       overseeing the legislation, goes to the company who's -- who  
2       has most at stake and says you're going to have to pay me  
3       and my company \$15 million if you wanted this legislation to  
4       pass, that's what Mr. Cespedes testified happened, and that  
5       is consistent with the documents that you've seen. Just  
6       weeks after the bank account ran low, \$1.5 million gets  
7       pushed into the Generation Now bank account.

8           You also heard about official action and we talked  
9       about official action. You heard from different public  
10      officials who were pressured and advised to vote for House  
11      Bill 6, and you heard some questions about whether people  
12      were threatened. Keep in mind, being threatened is not an  
13      element. What is required is that these individuals felt  
14      like they were pressured or that you find that  
15      Mr. Householder intended to pressure them for their vote.  
16      That's what the evidence shows through text messages like  
17      this. You also heard about how Mr. Householder instructed  
18      another individual to delete text messages relating to the  
19      pressure campaign to get House members who were pressured --  
20      or a House member, Dave Greenspan, who was pressured, to  
21      delete messages.

22           And you heard Mr. Clark describe the relationship  
23      between FirstEnergy Solutions during this period, why they  
24      were paying all of the money. (Recording playing.)  
25      FirstEnergy is the bank, they've got too much money, too

## CLOSING ARGUMENT BY MR. SINGER

24-3817

1       much power. (Recording playing.) The money is unlimited,  
2       the money from FirstEnergy is unlimited, that's what Mr.  
3       Clark says. He says: You can't compete with something like  
4       that, and those guys are only doing it because they get on  
5       House Bill \$1.3 billion in free subsidies. They're only  
6       doing it because they're getting \$1.3 billion in free  
7       subsidies. What do they care about putting \$20 million into  
8       this thing? This is the bargain that Chuck Jones was  
9       talking about in the e-mail we -- the text message we just  
10      went through. Mr. Householder received \$20 million to a  
11      secret entity that he controlled and provided a \$1 billion  
12      subsidy. That is a racketeering predicate.

13           You also heard about the sports betting legislation,  
14      the recordings between the undercovers and Mr. Clark. Now,  
15      clearly, based on the evidence that we saw, Mr. Clark's  
16      position as a proxy, he had a very close relationship with  
17      Householder, and you can see that. This is just an example  
18      of the volume of communications over a two-week period.  
19           This is the two-week period that Clark was in Nashville with  
20      the undercovers.

21           And the sports betting legislation involved a bill that  
22      was being run by Dave Greenspan, and the goal was to allow  
23      the undercovers to run a sports book out of a hotel to make  
24      sure that that language was included in the legislation. So  
25      they hired Mr. Clark as a lobbyist, and on those calls, Mr.

## CLOSING ARGUMENT BY MR. SINGER

24-3818

1       Clark immediately references direct line to Householder.  
2       The first meeting they had, he told him that Mr. Householder  
3       took money through a (c) (4) and the best path to influence a  
4       legislation was payments into Householder's (c) (4), among  
5       others. Recordings show Clark discussing the undercovers  
6       paying the money into the (c) (4) to progress the  
7       legislation, and he recommended that they write a \$5,000  
8       check to Generation Now.

9                  You saw these recordings, you heard them. We'll go  
10         through a couple. (Recording playing.) So the money was to  
11         go to Generation Now, which is the Speaker's (c) (4), they're  
12         going to hand-deliver him the check. And, later, he advised  
13         a \$50,000 check that they give to Householder at a meeting.  
14         The meeting took place. You heard the recordings from the  
15         meeting. Ultimately, individuals other than Mr. Householder  
16         came, including Jay Edwards and Bryan Gray, and Jeff  
17         Longstreth didn't come to collect the check. And based on  
18         the recording, Mr. Clark said, you didn't tell him to give  
19         him the check because he was protecting his boss. He was  
20         protecting his boss.

21                  But there was a follow-up call the next day,  
22         Householder talked to Clark for 36 minutes, and then later  
23         that day, there was a call. (Recording playing.) So they  
24         had a meeting, they talked about the compromise legislation  
25         that the undercovers wanted. The next day, Clark calls

1 Householder. This leads to a conversation with the  
2 undercover where he says: Here's what you want to give,  
3 here's the check, the legislation is on its way, the check  
4 should go to Generation Now or an entity relating to term  
5 limits, and we'll get that legislation, the one that we  
6 talked about last night.

7 Now, this shows the enterprise. This shows Clark and  
8 Householder working together to further the goals, to  
9 further the goals of getting more money into Generation Now.  
10 And ultimately, the FBI and undercover determined that it  
11 was not in the best interest to write that check. Remember,  
12 RICO punishes the conspiracy, not the completed act, and the  
13 racketeering of Honest Services Fraud involves the scheme to  
14 solicit money. So when Clark calls the undercover the next  
15 day and says, you'll write the check and you'll write it to  
16 Generation Now under the term limits initiative and we'll  
17 have the compromise, that is a part of a scheme, that is  
18 part of a scheme to advance legislation in exchange for  
19 money.

20 Ballot referendum, more money, a massive amount of more  
21 money, over \$36 million of more money, the ballot  
22 referendum. House Bill 6 passed, and a ballot campaign was  
23 initiated that, if enough signatures were collected, would  
24 potentially put House Bill 6 on the ballot and overturn the  
25 legislation. The evidence shows that there was a phone call

## CLOSING ARGUMENT BY MR. SINGER

24-3820

1       with John Kiani and Larry Householder and Juan Cespedes on  
2       July 29th, 2019, and in that meeting, Householder laid out  
3       his plan. The ballot referendum would be funded through  
4       him. He would take charge, and ultimately, if the ballot  
5       campaign is successful, he will pursue alternate  
6       legislation.

7                  Again, step back from this for a moment.

8       Mr. Householder is an elected public servant. He is one of  
9       the most powerful individuals in the state of Ohio. In a  
10      call with a FirstEnergy executive with a billion-dollar  
11      bailout on the line, he's negotiating paying millions of  
12      dollars into his 501(c)(4) to run through his company while  
13      at the same time promising legislation, potentially multiple  
14      pieces of legislation, that would make sure that the  
15      legislation -- that the bailout is protected.

16                  He's using his ability to pass legislation to enrich  
17       the enterprise, to pay his staff, to increase his political  
18       power. And he knew that if FirstEnergy Solutions was going  
19       to pay that kind of money into Generation Now, \$36 million,  
20       that they are going to expect the legislation in return.  
21       This is bribery under the Court's instructions.

22                  Mr. Cespedes testified, he said, Mr. Householder didn't  
23       have any experience defeating ballot campaigns. Generation  
24       Now didn't have any experience defeating ballot campaigns.  
25       Householder's team didn't have experience defeating ballot

1       campaigns. There was a lot on the line, but they didn't  
2 have any choice. They put the money through him if they  
3 wanted to protect themselves.

4           And the documents support this. Here's Householder  
5 telling Longstreth in June before the ballot referendum even  
6 started: Let's stay on the good side of FES and we'll do  
7 the defend. We'll run the ballot campaign, the money will  
8 run through us. Mike Dowling: Don't put your checkbook  
9 away, John -- to John Kiani. But Mike Dowling had concerns,  
10 who's going to run point on this? He tells John Kiani: I'm  
11 concerned about the referendum. He says at the bottom: You  
12 guys are all smart, but there's a lot of strategy that goes  
13 into this, you need really smart people with experience to  
14 defeat a ballot campaign. Kiani responds: We're taking  
15 Householder's lead.

16           Dowling's tune changed a bit after he talked to  
17 Householder, though. You see a call on July 26th where  
18 Dowling -- where Householder talks with Jones and then  
19 Dowling talks with Householder. Mike Dowling writes: I had  
20 a good conversation with Speaker H today re the referendum  
21 issue. I think you're in excellent hands. I know more  
22 about his personal involvement and engagement. We should  
23 all be following his lead, I know you and FES are as well.

24           So he had real concerns about who's going to run this  
25 campaign. Then, he talks to Householder, and now he says we

## CLOSING ARGUMENT BY MR. SINGER

24-3822

1       should follow his lead. Kiani says the same thing the day  
2       after the July 29th call: Had a good call with the Speaker  
3       yesterday about the referendum.

4           And so what happened after that? They talked about the  
5       legislation, as \$36 million poured into Generation Now.  
6       Chuck Jones says: Before we make any strategy steps, we  
7       want to make sure Householder is on board. He seems pretty  
8       confident in his referendum strategy and plans to pass it as  
9       a tax if they get enough signatures. The plan, the plan is  
10      if you keep pumping this money in, he'll save it ultimately,  
11      regardless of what happens with the ballot campaign. He's  
12      got a tax bill on the way. You heard from Pat Tully who  
13      testified about the legislation that he drafted that would  
14      protect House Bill 6 at Householder's direction.

15           And you saw multiple messages relating to legislation.  
16      Just spoke to the big guy, he's got the tax bill ready to  
17      go. Householder has a quick fix. The Speaker will correct  
18      any adverse decision. He will not let us fail. He will not  
19      let us fail. Even Mr. Borges: Householder is going to  
20      introduce this piece of legislation, start the whole process  
21      over. The tax bill is ready to go. The \$38 million  
22      would -- Mr. Cespedes testified, it would not have paid the  
23      money but for the fact that he was the Speaker. He would  
24      not have paid the money but for the fact that he had the  
25      ability to save them with legislation.

## CLOSING ARGUMENT BY MR. SINGER

24-3823

1           Let's talk about Mr. Borges. What did he know about  
2 this? Mr. Cespedes testified that he knew about the  
3 \$400,000 check in October 2018, that he talked about it.  
4 Again, Mr. Borges was Cespedes' most trusted confidant in  
5 the field. He knew about the \$15 million in the spring of  
6 2019 to pass House Bill 6. He knew that the money was  
7 funneled from FirstEnergy Solutions to Generation Now. He  
8 knew that Generation Now was Householder.

9           With that knowledge, he said I want in. Like he told  
10 Tyler Fehrman: Everyone is getting fat on this, why not us.  
11 So he arranged his own company where FirstEnergy money would  
12 pump into Generation Now, which would be paid into his  
13 company so that he could use that money to further the  
14 enterprise's efforts and defeat the ballot campaign. See  
15 the wiring communications with Jeff Longstreth and the flow  
16 of the money from these entities and ultimately to himself.

17           And one of the objectives of Mr. Borges being part of  
18 the team was because of his close relationship with certain  
19 public officials who were involved in the ballot campaign.  
20 Cespedes writes to Borges: We need you on this referendum  
21 thing ASAP, please get to Yost. So why was the Attorney  
22 General Yost important to this effort? Recall, the ballot  
23 campaign needed to collect a certain number of signatures,  
24 265,000 signatures; if it made the ballot, then, the bailout  
25 would not go into effect. If Yost denied the signatures, if

1       he said that their summary petition was inadequate, then, it  
2       failed and House Bill 6 became law.

3                   So one of the reasons Mr. Borges was on this team and  
4       working in coordination with Householder was to convince  
5       Dave Yost to deny the petition at the start. And here's  
6       their communications. Yost and Householder connected  
7       yesterday. Borges says: I'll follow up with Dave. Just  
8       showing his coordination with the enterprise, his activities  
9       in support of it. Again, Householder is asking if you, Matt  
10      Borges, have spoken with Dave Yost today; he said he hasn't.

11                  And this shows the contact, the flow of communication,  
12       between Householder and Borges and Householder and Yost and  
13       Yost and Borges. Cespedes testified they are working in  
14       concert, they are working in coordination. Borges knows  
15       what's going on, and he's entered the conspiracy, and he's  
16       working to further it, and he knew about the legislation  
17       that was backdropping it all.

18                  So what did he do with the money? Documents like this  
19       lay out exactly how he intended to spend this FirstEnergy to  
20       Generation Now to 17 Consulting money, and that included  
21       payments to other public officials, contributions. The  
22       document on the left is from Juan Cespedes, which is  
23       \$100,000 in contributions, and it mirrors a document created  
24       by Matt Borges with the same \$100,000. This is money that  
25       was flowing from FirstEnergy to Generation Now to 17

## CLOSING ARGUMENT BY MR. SINGER

24-3825

1 Consulting to their own personal accounts and then being  
2 paid the public officials who were involved in the  
3 referendum effort. And you saw checks from Matt Borges to  
4 Dave Yost. And Cespedes testified we are paying people who  
5 are working hard on the ballot campaign, public officials,  
6 that's who they were writing checks to. This is how they  
7 were using money. This is one of the roles that Borges was  
8 doing to further the enterprise.

9 All right. So October 21st, 2019, Team Householder  
10 prevailed, the enterprise prevailed. They defeated the  
11 ballot campaign. House Bill 6 will go into effect. That's  
12 October 21st, 2019. The next day, there was another  
13 \$3 million payment into Generation Now from Partners For  
14 Progress. Let's follow the path of that money. \$3 million  
15 wired from Partners For Progress to Generation Now.  
16 2.9 million of that dollars was transferred out from  
17 Generation Now to Jeff Longstreth's account, and that was  
18 conveniently sent at a time where Jeff Longstreth's account,  
19 just weeks before, was at \$15. It went from \$15 to a  
20 \$2.9 billion insulation of FirstEnergy money paid to  
21 Generation Now, paid into Jeff Longstreth's account.

22 And, recall, how are the benefits, personal benefits,  
23 to Householder and other enterprise members paid? Out of  
24 the JPL account. You can see in December 2019, about  
25 \$60,000 was paid for the house, Householder's house in

## CLOSING ARGUMENT BY MR. SINGER

24-3826

1 Florida. Another \$20,000 in credit cards was paid out of  
2 the same JPL account. All told, all of the money, all of  
3 the close to \$500,000 that was paid for Householder's  
4 personal benefit was paid out of Jeff Longstreth accounts.

5 The final payment that the enterprise received from  
6 FirstEnergy relates to the term limit initiative. This was  
7 a \$2 million payment in 2020, and you heard Mr. Cespedes  
8 talk about that. He had two conversations with enterprise  
9 members about raising money for the term limits initiative.  
10 The first was with Jeff Longstreth about the size of the  
11 payment, and the second was with Neil Clark.

12 And he described his conversation with Neil Clark as  
13 follows: He said FirstEnergy Solutions wanted additional  
14 years on the subsidy. It was currently at six years, they  
15 wanted it at ten years. And Clark expressly discussed  
16 exchanging those four years -- he knew FirstEnergy Solutions  
17 wanted those four years, and he said if we can get the term  
18 limits initiative through, if you can send the millions of  
19 dollars that we need from you and other public utilities  
20 like FirstEnergy Corp. to fund the term limits initiative,  
21 we will get you the extra four years on the subsidy. That's  
22 what Cespedes testified that Clark told him. He made very  
23 clear, he said he was very strongly worded that the four  
24 years was tied to the ability to get that term limits  
25 initiative passed and tied the money that FirstEnergy

1       Solutions would pay into the term limit initiative.

2           This is consistent with the messages that you saw from  
3       Chuck Jones relating to the call that Householder made to  
4       him about that same initiative. He texts -- Chuck Jones  
5       texts Tony George: I talked to the Speaker, he's an  
6       expensive friend. And then he describes the term limit  
7       initiative, 16 years max, no need to switch houses. This  
8       followed a call between Larry Householder and Chuck Jones.  
9       And how does he describe it? He'll get a lot more done in  
10      16 years. You saw a number of messages relating to the  
11      Speaker calling Householder -- or calling Chuck Jones and  
12      asking for money, wanting support, and ultimately Chuck  
13      Jones told Householder that they're going to do \$2 million  
14      next week, and there it is, Generation Now, Partners For  
15      Progress.

16           They want the consistency in leadership, they wanted  
17      Householder in charge. They knew that it was in their best  
18      interest to do that. And, in fact, Clark specifically told  
19      Cespedes that he was going to pursue the four years of extra  
20      subsidy if they can fund the initiative.

21           In the end, all of these payments, \$60 million,  
22      applying your common sense to the testimony and the evidence  
23      and drawing all evidence -- all reasonable inferences, the  
24      evidence is clear, Mr. Householder received that money  
25      knowing what it was for. FirstEnergy and FirstEnergy

1       Solutions would not have paid that money into Generation Now  
2       for Longstreth's benefit if they didn't know they were  
3       getting legislation in return, if they didn't know specific  
4       official action would be the result.

5           And Mr. Borges, again, he agreed to join this  
6       conspiracy with his eyes open. He knew about the corrupt  
7       relationship. He knew about the unholy alliance. He knew  
8       that FirstEnergy was pumping millions of dollars into  
9       Generation Now for Householder's benefit, and he knew that  
10      Householder was pursuing legislation in return. And he said  
11      I want in, I want to get fat off it too. So he joined, and  
12      he did, and he made money off of it. The predicate acts are  
13      satisfied beyond a reasonable doubt.

14           Moving to Private Honest Services Fraud and the Travel  
15       Act. This relates to the Tyler Fehrman bribe. Private  
16       Honest Services Fraud requires a different kind of bribery  
17       agreement. It's a private bribery agreement. It's where an  
18       individual solicits or offers a bribe to someone to violate  
19       their duty to their employer. Money to exchange information  
20       that the employee -- that the employer wants to keep secret,  
21       that it wants to protect, and that the person who offers the  
22       money reasonably believes will hurt the employer. That's  
23       what happened here.

24           And the Travel Act is similar. It's where a defendant  
25       knowingly, or a conspirator knowingly, uses a facility in

## CLOSING ARGUMENT BY MR. SINGER

24-3829

1       interstate commerce -- here, the wire transfers that  
2       funded -- to promote unlawful activity, such as offering or  
3       giving or providing a valuable thing to a person who works  
4       for a ballot campaign, for the purpose of influencing the  
5       employer agent with respect to the discharge of their  
6       duties. So again, it's a quid pro quo. It's money for  
7       information that will hurt the efforts of the ballot  
8       campaign, the employer of Tyler Fehrman.

9               Here are the wire transfers that funded the bribe. You  
10      saw the text messages between Mr. Borges and Mr. Cespedes  
11      before the meeting setting it up. Cespedes testified this  
12      was the plan. They knew Tyler Fehrman was working for AMT,  
13      the signature collection company. We're going to pay him  
14      off. We're going to get information. We're going to use  
15      that to further the enterprise and to help them defeat the  
16      ballot campaign. They sketched it out on the white board,  
17      \$25,000, that's what they wanted to pay him.

18               And you heard Tyler Fehrman testify about what happened  
19      at that meeting, the meeting on September 1st, how shaken  
20      he was that a friend, a trusted colleague, would make that  
21      offer. He said I can take care of your debts, I can pay off  
22      your loan on your car, we just need information that we can  
23      use to help defeat your effort, that we can use to keep your  
24      employer from doing what you were hired to do.

25               So what did Mr. Fehrman do? He sent this e-mail, sent

## CLOSING ARGUMENT BY MR. SINGER

24-3830

1       this text message, and it's telling. He said: I'd love to  
2       have those debts wiped out, to be debt-free and not have to  
3       worry, but I can't put a price tag on my integrity or my  
4       word. He said: My word is my word, my integrity is  
5       literally all I've got, I'm not willing to sell it. This is  
6       before Fehrman called the FBI. This is his response to the  
7       offer Matt Borges made on September 1st. You don't write a  
8       text message like this to a friend unless the meeting shook  
9       you, and I think that that's what Mr. Fehrman testified.

10           Mr. Borges' response is telling: No matter what, don't  
11       ever let anyone -- don't ever tell anyone about our  
12       conversation from earlier. Why, why wouldn't he want him to  
13       tell anyone? It's because he offered him money for  
14       information, he offered him a bribe. That's what Tyler  
15       Fehrman testified. That's what the substance of this text  
16       message is, and all of the later conversations should be  
17       viewed in the context of this exchange. This is -- the  
18       offer was rejected, and it wasn't just any rejection. This  
19       is a pretty scathing rejection of the offer, and the  
20       message -- the communications that you saw in response show  
21       that it put Mr. Borges on his heels. (Recording playing.)

22           THE COURT: You've been at it for a long time. We  
23       need to take a break. I was hoping not to interrupt, but  
24       we're going to take a break. Lunch is upstairs. It's  
25       early, think of it as brunch. Have your brunch, take a

## CLOSING ARGUMENT BY MR. SINGER

24-3831

1 break, come on back, and we will proceed. Don't talk about  
2 the case among yourselves or with anyone else. No  
3 independent research. No checking out the media. We'll  
4 rise as you leave for an hour.

5 THE DEPUTY: All rise for the jury.

6 (Jury left the courtroom.)

7 THE COURT: Jury has left the room. As always,  
8 we'll wait in the courtroom until we've been advised that  
9 they have cleared the floor, and then we'll take a one-hour  
10 break.

11 (Pause.)

12 THE COURT: All right. We're in recess until an  
13 hour from now.

14 THE DEPUTY: All rise. This court is in recess.

15 (Recess taken from 11:13 a.m. to 12:13 p.m.)

16 THE DEPUTY: All rise. This court is in session  
17 pursuant to the recess.

18 THE COURT: You may be seated. Thank you.

19 Mr. Bradley, Mr. Bradley, I want you to give some  
20 consideration to whether you want to break in the midst of  
21 your closing argument; if you do, tell me.

22 MR. BRADLEY: Very good. Thank you.

23 THE COURT: Are we ready for the jury from the  
24 government's perspective?

25 MR. SINGER: Yes, Your Honor.

## CLOSING ARGUMENT BY MR. SINGER

24-3832

1                   THE COURT: Mr. Householder's?

2                   MR. BRADLEY: Yes, Judge.

3                   THE COURT: Mr. Borges'?

4                   MR. SCHNEIDER: Yes.

5                   THE COURT: Let's call for the jury, please.

6                   (Pause.)

7                   THE DEPUTY: All rise for the jury.

8                   (Jury entered the courtroom at 12:18 p.m.)

9                   THE COURT: You may all be seated. Thank you. The  
10                  jury has returned. Thank you for your service. We will  
11                  continue to hear closings.

12                  Mr. Singer, you may proceed.

13                  MR. SINGER: Thank you, Your Honor.

14                  Before the break, we were talking about how Mr. Fehrman  
15                  responded to the offer from Mr. Borges on September 1st to  
16                  provide signatures that were being gathered by the ballot  
17                  campaign and information that Mr. Borges and his team could  
18                  then use to defeat the ballot campaign that Mr. Fehrman was  
19                  working for. And note Mr. Borges' response to the rather  
20                  scathing e-mail from Mr. Fehrman, and it was that, no matter  
21                  what, don't tell anyone about our conversation. Now, this  
22                  is evidence of concealment, and we've talked a lot this  
23                  morning about how concealment is evidence of intent and  
24                  corrupt intent. And that's not the only evidence.

25                  Special Agent Blane Wetzel testified that when he did

## CLOSING ARGUMENT BY MR. SINGER

24-3833

1       an extraction on Mr. Borges' phone, what he found was that a  
2       number of the text messages between Mr. Borges, Mr. Fehrman  
3       were deleted, and that as far as the relevant messages with  
4       Mr. Fehrman goes, they didn't start until September 18th,  
5       which did not include the message that we just saw, which  
6       did not include Mr. Fehrman's response to that September 1st  
7       offer which rejected it, but also in the very substance of  
8       the response indicated the nature of it, that indicated that  
9       what was offered on September 1st was inappropriate, and it  
10      shook Mr. Fehrman. And that corroborates Mr. Fehrman's  
11      testimony that what was offered on that day was, in fact,  
12      money for information to be used to defeat the ballot  
13      campaign. And Mr. Borges' response in conversations with  
14      Mr. Fehrman illustrate this, illustrate the fact that  
15      Mr. Fehrman's text message put him on his heels.

16                     (Recording playing.) So this is part of a recording  
17      after Mr. Fehrman went to the FBI, told the FBI what  
18      happened, and then he was subsequently given recording  
19      devices to record conversations. And this response by  
20      Mr. Borges showed that he was suspicious, he was suspicious  
21      of Mr. Fehrman, what his intent was for reaching back out,  
22      and not exactly the words of the friend telling him that,  
23      listen, if this came out, if what happened on September 1st  
24      becomes public, it's going to be bad for me, but it's going  
25      to be worse for you. And he admits that he was creeped out

## CLOSING ARGUMENT BY MR. SINGER

24-3834

1 by the fact that Fehrman reached back out after that  
2 e-mail -- after that text message.

3 Mr. Borges made the same comment in a subsequent  
4 meeting. (Recording playing.) And then in another meeting,  
5 he tells Mr. Fehrman: If I get a call from Randy Ludlow --  
6 a reporter -- about this, I'm going to blow up your house.  
7 Now, these are threats, and they also show consciousness of  
8 guilt. They show that the conversation that they had on  
9 September 1st is one that Mr. Borges did not want out, and  
10 there's a reason for that, it's because the conversation was  
11 a bribe.

12 Now, Mr. Borges continued to seek information, and the  
13 reason is simple, they needed the information. The ballot  
14 campaign needed the information. They were obsessed with  
15 the signature math, how many signatures are they collecting,  
16 how many signatures does the ballot campaign have, because  
17 if they can keep them from collecting enough signatures,  
18 then, they're scot-free, the bailout is in effect, and they  
19 will have won. And as Mr. Cespedes says in his message:  
20 What's Tyler saying, a Tyler update would be great.

21 Now, you heard testimony from Michael Roberson, who was  
22 an executive for AMT, the company that Mr. Fehrman worked  
23 for, and he talked about the signatures and their effort,  
24 and he testified that they would never publicize realtime  
25 signature information. It's something that they hold close

1 because if they were to allow their opponents to know the  
2 status of their campaign, well, that's information that  
3 their opponents would use to increase their efforts to send  
4 more blockers out, to buy out more of the people who they  
5 had trying to collect signatures, to obstruct what they were  
6 trying to do. So there was no way that they would ever want  
7 that information to be public. The only time that they  
8 publicize their signature information was when the campaign  
9 was concluded, that's what Mr. Roberson testified. He also  
10 testified that, by failing to collect signatures in this  
11 campaign, that it was bad for business. It hurt their  
12 reputation.

13 And so the actions of Mr. Borges and his attempts to  
14 get the signature information, to get that information and  
15 then use it for purposes of the enterprise so they could use  
16 that to keep them -- the ballot campaign from collecting  
17 enough signatures, doing that was -- that was harmful to the  
18 ballot campaign, and they know it. That's the reason that  
19 they wanted to do it. That's the reason why they wanted the  
20 information. And so Mr. Borges reached out again and again,  
21 any idea what the count looks like, just want to nail down  
22 the opportunity we discussed.

23 So after Mr. Fehrman reengaged with Borges, Borges  
24 wanted to know what information do you have for me, what can  
25 you give me, any chance you can give me a number. They want

## CLOSING ARGUMENT BY MR. SINGER

24-3836

1 to know they have the right source, so a data point here  
2 will help me get finalized. They just want to know. Who is  
3 "they"? "They" is the enterprise. "They" are the people  
4 who are working to defeat the ballot campaign.

5 This led to a meeting on September 10th. (Recording  
6 playing.) So throughout the recordings, there was a  
7 conversation about how to avoid violating an employment  
8 contract and what that meant to the offer, but, essentially,  
9 Mr. Borges laid out two options. One was the one like you  
10 said in the original conversation, structuring it with a  
11 \$15,000 payment and then a \$10,000 payment when it's over.  
12 So \$25,000 altogether in a private transaction. So he stays  
13 working for AMT, he provides the information, and he gets  
14 \$25,000.

15 The other option they discussed was he downloads the  
16 information, he gets the signature information that they so  
17 desperately want, and then he quits, and then he provides  
18 the information to them, and then gets paid money for that  
19 information.

20 Both situations are bribe offers. They are asking him  
21 to violate the duty that he has with his employer, take the  
22 information that is of value to his employer that is -- that  
23 will damage his employer if it becomes public, and then  
24 provide it to Borges in exchange for money. These are  
25 offers that violate the Private Honest Services and the

## CLOSING ARGUMENT BY MR. SINGER

24-3837

1       Travel Act. They are solicitations for information in  
2 exchange for money.

3           Throughout the call, Mr. Borges explained exactly what  
4 they want. Just so they were clear, he said: Obviously,  
5 they'll help us if you're still there and you telling us  
6 what's going on, but the one thing they're dying to know is  
7 how many signatures they've got so far, they're dying to  
8 know that. (Recording playing.)

9           This is exactly what Mr. Roberson testified to. If  
10 they think you're going to make it, they're going to get  
11 aggressive. If they think you have enough signatures, then,  
12 they're going to up their efforts. It shows how valuable  
13 this information is and why they would go to such extremes.  
14 (Recording playing.) All right. These recordings are  
15 clear, Mr. Borges wants information he can use to defeat the  
16 ballot campaign, and he's offering money in return.

17          And then he switches it up, sends messages that he  
18 wants to take a different approach; maybe he's spooked, but  
19 it changes his tone. So he claims that he's going to pay  
20 the money for help on a Kasich reunion and that the  
21 information that they talked about before -- he was going to  
22 pay money for it, but he keeps asking for that same  
23 information. What's the statewide number? Do you know what  
24 the number is? And he gives him the \$15,000. So the result  
25 is the same, he provides the \$15,000, and then he asks for

## CLOSING ARGUMENT BY MR. SINGER

24-3838

1       the information. Do you have a number? Do you know what  
2       the region looks like? Over and over and over again,  
3       messages, phone conversations.

4           What Mr. Borges never asked Tyler Fehrman to do was to  
5       do any work for that \$15,000 other than provide information  
6       that he could use to defeat the ballot campaign. Never  
7       asked him to work on a Kasich and Judy French story -- or  
8       Kasich and Judy French reunion. And Tyler Fehrman testified  
9       it didn't seem legitimate to him. It was a cover. The  
10      evidence shows that Borges' true intention was the money was  
11      for the same information he repeatedly asked for both before  
12      he provided the money and after. The evidence shows that  
13      Mr. Borges' cover story was just that, a cover.

14           But in the end, it doesn't really matter. The  
15      racketeering acts that you were instructed on that are at  
16      issue here, the cover attempts, offers, and solicitations,  
17      and the testimony that you heard and the evidence that  
18      you've seen show that on September 2nd and September 10th in  
19      the recorded conversations that we just listened to that  
20      Mr. Borges was soliciting and offering money in exchange for  
21      information.

22           So whether or not the ultimate payment was for some  
23      other reason or no reason at all or for what the evidence  
24      suggests, was for the same information that he made the  
25      offers for previously, the elements are satisfied, because

## CLOSING ARGUMENT BY MR. SINGER

24-3839

1       on September 2nd when he made that offer, the crime is  
2       complete. On 10th when he made those offers that you just  
3       heard, the crime is complete.

4           In circling back to that plan, Mr. Cespedes testified  
5       that whiteboard photo that showed: Employ \$25,000 for Tyler  
6       Fehrman. It mirrors exactly the offer that was made on  
7       September 10th, 15,000 now, \$10,000 later. These predicates  
8       have been proved beyond a reasonable doubt.

9           The last set of racketeering acts relate to money  
10      laundering, and as described before, there are two types of  
11      money laundering. There's concealment of money laundering,  
12      which, as the Court instructed, is where a defendant or a  
13      co-conspirator knowingly engaged in a wire transfer or bank  
14      transactions of bribe money designed to conceal the source  
15      or control of the bribe money, transactions to conceal the  
16      money.

17           The other type are transactions of bribe proceeds over  
18      \$10,000. So as we described before, bribe money comes into  
19      an account, an individual who knows that it's bribe money  
20      for purposes of the enterprise sends the money out in  
21      increments over \$10,000, that is a separate predicate act in  
22      itself. The transfer of the illegal funds is a racketeering  
23      act.

24           And as you can see in the box at the bottom, there are  
25      a lot of those racketeering acts, which makes sense, \$60

## CLOSING ARGUMENT BY MR. SINGER

24-3840

1 million in bribe money flowed through these accounts.

2 There's a lot of transactions, but, remember, you only need  
3 two acts of racketeering to convict. There are dozens and  
4 dozens and dozens that have been proven, but each defendant  
5 only needs to complete or agree that another conspirator  
6 will complete two acts of racketeering activity.

7 And the concealment of these transactions are  
8 illustrated in the flow charts that we've seen throughout  
9 trial. The Generation Now money going into the Growth and  
10 Opportunity PAC, and then the money being disbursed through  
11 different accounts using these different entities as a  
12 buffer for the media spends. You saw an example of the wire  
13 transfers. This is a \$250,000 transfer and a \$750,000  
14 transfer from Generation Now to the Growth and Opportunity  
15 PAC. Those are two separate racketeering acts.

16 And then the transfer from the Storytellers Group are  
17 from the Growth and Opportunity PAC to the Storytellers  
18 Group, all of these transactions furthering the enterprise.  
19 And how did they use the money? They used it for mailers to  
20 attack Team Smith candidates, folks that were on the other  
21 side of Team Householder.

22 You saw the Hardworking Ohioans account and the way  
23 that Generation Now used it and transferred the funds in the  
24 fall of 2018. That's the same deal. The money comes from  
25 FirstEnergy and FirstEnergy Solutions, either through

1 Generation Now, or towards the end of the campaign, when  
2 time was tight, straight to Hardworking Ohioans, and then  
3 it's disbursed. The money being used, it says "Hardworking  
4 Ohioans" on the mailers on the media; the source of the  
5 funds, the origin of the funds, concealed.

6 There's checks, increments over \$10,000, each of these  
7 racketeering predicates. These slides show all of the money  
8 that flowed from Generation Now and FirstEnergy Solutions  
9 all used to further the goals of the enterprise. It's the  
10 same in the House Bill 6 period, you see these wire  
11 transfers from FirstEnergy Services to Generation Now  
12 circled in the ovals, and then the rectangles show the spend  
13 out of the Generation Now campaign -- out of the Generation  
14 Now accounts. Each of them a separate predicate, each of  
15 them over \$10,000.

16 Same in the Ohioans For Energy Security. Recall,  
17 Ohioans For Energy Security was set up as a separate entity  
18 by the enterprise, by Jeff Longstreth. As illustrated in  
19 this e-mail, working through enterprise members at the  
20 direction of Larry Householder, they used Ohioans For Energy  
21 Security to funnel the FirstEnergy money to Generation Now  
22 to Ohioans For Energy Security. So when the ads were  
23 purchased, when the media was purchased, it didn't go back  
24 to Generation Now, concealed that the money flowed in the  
25 way that it did.

1                   Ohioans For Energy Security was 100-percent funded by  
2 Generation Now. And, again, the wire transfers tell the  
3 story. FirstEnergy to Generation Now, Generation Now to  
4 Ohioans For Energy Security, and then Ohioans For Energy  
5 Security makes the buys. Each one of those transactions is  
6 a separate racketeering count.

7                   And you can see 17 Consulting, Mr. Borges' entity, he's  
8 the recipient of the bribe money. He is a recipient of the  
9 scheme. He knows about the \$10,000 transfers, and he made  
10 over \$10,000 transfers. This is the money outflowing from  
11 17 Consulting, bribe money from FirstEnergy to Generation  
12 Now to 17 Consulting, and then leaving 17 Consulting in  
13 increments of over \$10,000.

14                  Finally, there's a Growth and Opportunity PAC in 2020.  
15 Again, the new campaign, they're ramping up, they've got new  
16 candidates. Mr. Householder is approving the messaging and  
17 the money flows. This time they included an extra layer of  
18 buffer. Jeff Longstreth testified about this. He testified  
19 that he controlled all of these accounts, all of the money  
20 that was flowing in. He was in charge. He knew that the  
21 money coming in was with the expectation of Householder  
22 taking action, and he transferred the money for  
23 Householder's benefit, and he did it in this way for a  
24 reason, to protect the enterprise, to protect "Generation  
25 Now" from being on public filings and public mailers.

1           And the bank transactions again tell the story.  
2 Generation Now receives the money. It sends the money out  
3 to the Coalition for Growth and Opportunity. The Coalition  
4 for Growth and Opportunity then sends the money to the  
5 Growth and Opportunity PAC. And the name on the federal FEC  
6 filing for the Growth and Opportunity PAC is that the money  
7 came from the Coalition For Growth and Opportunity. The  
8 fact that the money came from Generation Now is concealed.  
9 That's the purpose, that's the whole reason that the money  
10 moved in the way that it did, and that's what Jeff  
11 Longstreth testified.

12           And then you've heard a lot of evidence, you have been  
13 presented a mountain of evidence, and today you have seen a  
14 fraction of it, but what the evidence does show is that  
15 there was an enterprise. The purpose of the enterprise was  
16 to fulfill and to push forward Larry Householder's political  
17 ambitions, to enrich the members, those individuals who were  
18 involved in helping Householder become Speaker and pursue  
19 his agenda, and to conceal those actions. And they did  
20 this, Larry Householder, the other enterprise members, with  
21 Matt Borges, they did this to further this political machine  
22 and to enrich themselves. They paid for staff. They funded  
23 candidates. They pushed an agenda all for their own benefit  
24 and the benefit of those they were working with. They truly  
25 were an enterprise associated together working for a common

1 purpose.

2           The second element was met, these activities affected  
3 interstate commerce. As we just described, both defendants  
4 were employed by or associated with the enterprise, and both  
5 of these defendants conspired to participate in the affairs  
6 through a pattern of racketeering activity. You saw the  
7 unlimited amount of money that was coming from FirstEnergy  
8 flowing to Generation Now. You saw what they got in return,  
9 a massive subsidy, a massive piece of legislation for the  
10 benefit of the benefactors, for the benefit of those who  
11 were providing \$60 million.

12           And you saw the official action, they introduced the  
13 legislation, they pushed the legislation through. They  
14 created subcommittees and assigned specific members to those  
15 subcommittees. They set the vote date so that it was in the  
16 best interest of FirstEnergy. And then during the bailout  
17 period, they created multiple pieces of alternate  
18 legislation. This is an elected public official drafting  
19 multiple pieces of legislation while receiving \$36 million  
20 in the fall of 2019. And they were pressuring, pressuring  
21 Attorney General Yost, to make sure that their efforts were  
22 successful. And you just saw the payments and the offers to  
23 Tyler Fehrman, and you saw the money, how it flowed to  
24 conceal their activities.

25           These are all predicate acts, and the defendants, this

1 evidence shows, committed racketeering conspiracy. And all  
2 of these elements have been established beyond a reasonable  
3 doubt.

4 I want to thank you for your time and attention over  
5 the past six weeks. It can be difficult to sit on a jury  
6 for many reasons, and in the end, you've heard weeks of  
7 testimony, reviewed thousands of pages of exhibits, and  
8 heard hours of recordings. But the case comes down to this:  
9 What does your common sense tell you was happening? You've  
10 heard the evidence. You draw all of your reasonable  
11 inferences, and you rely on the common sense you use in your  
12 daily lives and ask yourself: What was the purpose of all  
13 of that money, did Mr. Householder receive it with the  
14 expectation -- \$60 million, did he receive it with the  
15 expectation, knowing that the expectation was to provide  
16 legislation in return? The only reasonable answer is yes.

17 In the opening, Ms. Glatfelter asked for three things:  
18 That you pay attention to the evidence; that you follow  
19 Judge Black's instructions on the law; and that you use your  
20 common sense in applying the law to the evidence. The  
21 government submits that, based on these three things, the  
22 evidence, the law, and your common sense, there's only one  
23 reasonable conclusion in this case, that both Defendant  
24 Householder and Defendant Borges are guilty beyond a  
25 reasonable doubt for their participation in the racketeering

## CLOSING ARGUMENT BY MR. SINGER

24-3846

1 conspiracy. Thank you.

2 THE COURT: Thank you, Mr. Singer.

3 Members of the Jury, we're going to take a short break  
4 while they swap out who's presenting. By the time you get  
5 upstairs, we'll be ready to call you back, almost. Take a  
6 break. Don't discuss the case among yourselves or with  
7 anyone else. No independent research. And we will call for  
8 you soon. Rise out of respect for you as you leave for a  
9 short break, maybe 10 minutes.

10 THE DEPUTY: All rise for the jury.

11 (Jury exited the courtroom at 12:51 p.m.)

12 THE COURT: As always, the jury has now left the  
13 room, we'll remain in the courtroom until they've cleared  
14 the floor, and we're going to go back into session in about  
15 10 minutes after the lawyers swap out their stuff, and  
16 that's at the lawyers' request that we take this short  
17 break, which makes sense, as long as they don't get stuck in  
18 the elevator. Short recess. Thank you for your  
19 understanding.

20 THE DEPUTY: This court is in recess.

21 (Recess taken from 12:52 p.m. to 1:00 p.m.)

22 THE DEPUTY: All rise. This court is in session  
23 pursuant to the recess.

24 THE COURT: Thank you. Please be seated. Jury  
25 Commissioner is checking with the jurors to see if they're

## CLOSING ARGUMENT BY MR. BRADLEY

24-3847

1       able to stay after 4:30. There's a reasonable chance we'll  
2       have to break at the normal time.

3           Are we ready for the jury from the government's  
4       perspective?

5           MR. SINGER: Yes, Your Honor.

6           THE COURT: From Mr. Householder's perspective?

7           MR. BRADLEY: Yes, Judge.

8           THE COURT: Mr. Borges'?

9           MR. SCHNEIDER: Yes.

10          THE COURT: Let's call for the jury, please.

11          (Pause.)

12          THE DEPUTY: All rise for the jury.

13          (Jury entered the courtroom at 1:03 p.m.)

14          THE COURT: You may all be seated. Thank you.

15          Members of the Jury have rejoined us. Thank you for your  
16       understanding. Now you see how generous I've been on break  
17       time.

18          We're ready to continue to hear closing argument. It's  
19       not evidence. It's designed to assist you. On behalf of  
20       Mr. Householder.

21          MR. BRADLEY: Thank you, Judge.

22          THE COURT: Yes.

23          MR. BRADLEY: May it please the Court --

24          THE COURT: Yes, thank you.

25          MR. BRADLEY: -- opposing counsel. Good afternoon.

## CLOSING ARGUMENT BY MR. BRADLEY

24-3848

1       Ladies and gentlemen, the government has alleged that Larry  
2 Householder advanced energy legislation that was beneficial  
3 to Ohio's two nuclear power plants in exchange for political  
4 contributions. In simple terms, that he was bribed. But  
5 that theory -- and it's just a theory, an allegation --  
6 simply isn't true, and it's certainly not borne out by the  
7 evidence that's been presented to you over the last six  
8 weeks or so.

9           Larry supported legislation that was beneficial to  
10 these power plants because he believed that it was good  
11 policy, that it was consistent with his long-held political  
12 views regarding the importance of energy generation in Ohio.

13           And you heard testimony from a number of witnesses  
14 regarding Larry's political views regarding all things  
15 energy. You heard from Pat Tully, senior policy advisor to  
16 all things energy in the Ohio House of Representatives and  
17 the person who was primarily responsible for drafting House  
18 Bill 6. You heard from Bill Seitz, House majority leader,  
19 former chairman of the public utilities committees in both  
20 the House and the Senate. You heard from the government's  
21 cooperating witness, Jeff Longstreth, himself. All of whom  
22 described Larry as somebody who was an advocate for Ohio's  
23 utilities, who believed in the importance of generating  
24 energy in Ohio. And those are all the reasons that Larry  
25 supported this legislation, not because he was bribed,

## CLOSING ARGUMENT BY MR. BRADLEY

24-3849

1 because it was good for Ohioans.

2 And that's borne out, his beliefs that this was good  
3 policy, as early as November of 2016, and we can see that in  
4 what is Government Exhibit 212. And this is an e-mail dated  
5 November 5th of 2016 sent from Chuck Jones, CEO of  
6 FirstEnergy, to Tony George, attaching an article that was  
7 in the *Akron Beacon Journal*. And the message: Pass this on  
8 to Larry Householder. I don't have contact information for  
9 him. We were talking a few days ago -- referencing the  
10 World Series Game 7 -- about the problems that the power  
11 plants were experiencing and the need for some sort of  
12 legislative solution. And here's Larry's response, four or  
13 five days later, sent to Tony George: Tony, I discussed the  
14 game plan for utility relief yesterday with Bill Seitz. We  
15 are more than ready to sit down and craft something with  
16 utilities that will make sense.

17 And it made sense that Larry would be talking to Bill  
18 Seitz because, as I indicated a few moments ago, House  
19 majority leader and sat on as chairman of the public  
20 utilities committee in both the House and the Senate. And  
21 the game plan for utility relief that he's referencing in  
22 here was the taking the framework of the ZEN legislation  
23 that had been introduced previously in the House and the  
24 Senate -- and that ZEN legislation was effectively a subsidy  
25 for the two nuclear power plants, and it was never

1       successfully passed through either the House or the Senate,  
2       it failed. And Larry's idea was to eliminate these energy  
3       efficiency mandates, which were effectively a subsidy in  
4       their own right, that he believed were costly and  
5       ineffective, and to take the elimination of those mandates,  
6       meld it together with a piece of legislation that would have  
7       as a framework what was proposed in ZEN, meld them together.  
8       The savings from eliminating the mandates would effectively  
9       pay for the cost of the subsidy to preserve the energy  
10      generation associated with the power plants, and it's  
11      win/win.

12           And you can see that he had just met Chuck Jones a week  
13       before these e-mail exchanges. And there's no evidence that  
14       when they were sitting in that booth a week earlier at Game  
15       7 of the World Series that there was any discussion of any  
16       bribery, no discussion of this for that. He had just met  
17       the guy.

18           Now, the government would suggest to you throughout the  
19       last six weeks that that's not entirely true. They would  
20       say that, hmm, I don't believe that you just met Chuck Jones  
21       a week before, and they point to Government's Exhibit 201 C.  
22       This is a Word document. You saw that during -- this  
23       exhibit throughout trial, and this was created not by Larry  
24       Householder, this was created by Jeff Longstreth. And you  
25       can see it was created in October of 2016, so before the

1       World Series. And in the upper left-hand corner, the "on  
2       the farm" reference to friends, and there's Chuck Jones.  
3       And that doesn't add up because I thought you said you  
4       didn't meet him until November, and, yet, a document created  
5       in October says you're identifying Chuck Jones as a friend,  
6       that seems suspicious. But you can also see the last  
7       modified date, that's September of 2017, so clearly this  
8       document is a work in progress.

9           And look who else is listed as somebody on the farm, a  
10      friend, Anna, in reference to Anna Lippincott. Anna  
11      Lippincott wasn't involved in any of these matters in  
12      October of 2016. And we know that, in part, because Anna  
13      testified to that effect, but also because of this  
14      Government Exhibit 204 E. And these are calendar notes, the  
15      ones on the left for Jeff, the one on the right for Larry,  
16      and referencing in January 3rd and 4th, Jeff's meeting with  
17      Anna, and then on the 4th, Jeff, Larry meets with Anna and  
18      Anna comes on board as a member of the team.

19           But the point is that, when we go back here, that's  
20      proof and evidence that this document is a work in progress.  
21      The fact that Chuck Jones is listed as a friend, even though  
22      the document was created on October of 2016, is not evidence  
23      that Larry knew Chuck Jones before Game 7 of the World  
24      Series.

25           So now we go back to Larry's response to Chuck's

## CLOSING ARGUMENT BY MR. BRADLEY

24-3852

1 e-mail: I discussed the game plan for utility relief  
2 yesterday with Bill Seitz. We're ready to move forward and  
3 craft something that makes sense. And consider that he  
4 sends that e-mail long before Jeff Longstreth is hired,  
5 because that happens in December of 2016, and Larry sends  
6 that e-mail expressing an interest in crafting legislation  
7 well before Jeff Longstreth decides to establish Gen Now as  
8 a 501(c)(4). And Larry sends that e-mail in November saying  
9 let's move forward with some legislation that makes sense to  
10 preserve these nuclear power plants well in advance of any  
11 of the events at the Presidential Inauguration in the middle  
12 of January. And that e-mail saying I spoke with Bill, we're  
13 ready to sit down and do something, four months before any  
14 contribution from FirstEnergy into Gen Now.

15 So how can it be said that Larry's interests in  
16 introducing this legislation was the product of a bribery  
17 agreement, when a week after he meets Chuck, he's expressing  
18 an interest in moving forward with this legislation?

19 So Government's Exhibit 212 is a very important  
20 exhibit, and you will have access to that exhibit when you  
21 deliberate this case. And I encourage you, I urge you, to  
22 review it, to consider it, to discuss it amongst yourselves  
23 because it is a window into Larry's mindset, his intent, why  
24 he supported this legislation, and it's because he believed  
25 that it was good policy, believed in the importance of

1       getting the -- getting rid of the mandates, believed in the  
2       importance of preserving Ohio's nuclear power plants, not  
3       because he was bribed. Government Exhibit 212 is proof that  
4       he wasn't bribed.

5               Let me move on. The government maintains that,  
6       notwithstanding Government's Exhibit 212, that Larry was in  
7       fact bribed; that there was an agreement, that quid pro quo,  
8       this for that, we'll give a political contribution, and in  
9       exchange, you promise to introduce and advance this  
10      legislation. And they believe that bribery scheme was  
11      hatched in Washington, DC, at the Presidential Inauguration.  
12      That was the whole point of the government making a big  
13      deal, he flew on the FirstEnergy private jet, he had dinner  
14      with Chuck at the fancy steakhouse. That's their theory,  
15      and you heard the only evidence of that was from the  
16      testimony of Jeff Longstreth, and Jeff testified that on the  
17      first day they were in DC, January 18th, they went to  
18      Charlie Palmer's steakhouse.

19               And remember how vivid his description of that date,  
20       that night was? We were at a big table, it was -- that  
21       seated 20 people or so, and it was in the center of the  
22       restaurant, and people were coming and going. And I -- I,  
23       Jeff Longstreth -- sat at one end of the table with Mike  
24       Dowling, and I remember looking down at the other end of the  
25       table and seeing Larry talking to Chuck. I couldn't hear

## CLOSING ARGUMENT BY MR. BRADLEY

24-3854

1 what they were saying, but they were whispering amongst  
2 themselves. And the government would have you believe  
3 that's the origin of the bribery scheme, that they were  
4 talking about this for that, but the only problem is that's  
5 not true, that didn't happen.

6 And how do we know that? Because of Householder  
7 Exhibit 479, which is the flight itinerary that shows that  
8 Chuck Jones on the 18th was in Naples, Florida with his wife  
9 and that he flew on a FirstEnergy private jet into Dulles  
10 International Airport, which is right outside of Washington  
11 and I think Arlington, Virginia, and arrived on the 19th at  
12 9:27 a.m. There it is.

13 Now, the government says, hmm, that could be false,  
14 that could have changed, but they don't have any proof of  
15 that. If there was another flight itinerary showing that  
16 Chuck flew into DC on the 18th, you can be assured that the  
17 government would have presented that exhibit to you, but  
18 they didn't; and there's a reason why they didn't, because  
19 that's the itinerary that took Chuck Jones into Washington,  
20 DC on the morning of the 19th.

21 So they point to this exhibit, Householder 479, which  
22 is the hotel bill for Tony George, not the hotel bill for  
23 Chuck Jones, the hotel bill for Tony George, and they note a  
24 charge on the 18th for the Skyline Lounge, presumably a very  
25 nice dinner. And it's paid for with Chuck's credit card,

## CLOSING ARGUMENT BY MR. BRADLEY

24-3855

1 and the government would say, ah-ha, that's proof that he  
2 was in DC on the 18th. But if that were true, then where's  
3 the credit card charge for Chuck and his wife? He didn't  
4 spend any money in DC on the 18th, assuming he was even  
5 there?

6 So this document proves that Chuck bought Tony George  
7 his dinner on the 18th, but that doesn't mean Chuck was in  
8 DC, because the flight record shows he was in Naples on the  
9 18th. And, again, if there's another flight record, you can  
10 be assured that the government would have presented it to  
11 you because there's only one flight record.

12 But if you're still not sure, I'm not so sure if he was  
13 really there on the 18th or the 19th, then, let's look at  
14 Government Exhibit 724, another very important exhibit. And  
15 this is Chuck Jones' cell phone record. And this cell phone  
16 record would reflect that the last call on the 18th took  
17 place at 8:25 p.m. on January 18th and originating from  
18 Naples, Florida. And then the first call on the following  
19 morning, the 19th, is at 9:57 a.m., originating from  
20 Arlington, Virginia.

21 So compare those documents. Let's look at the flight  
22 itinerary that we just looked at a moment ago juxtaposed to  
23 Chuck Jones' cell phone records. According to the flight  
24 itinerary, he arrives on the 19th at 9:27, and the first  
25 call on the 19th is 30 minutes later in Arlington, Virginia.

## CLOSING ARGUMENT BY MR. BRADLEY

24-3856

1       So when you consider these two documents in tandem, is there  
2       any doubt in your mind that Chuck Jones was in Naples,  
3       Florida on the 18th and flew into DC at 9:30 in the morning  
4       just as that itinerary says? No doubt.

5           And here's the significance of that, that when Jeff  
6       Longstreth sits in that witness stand and describes to you  
7       in these vivid terms, oh, the restaurant was crowded, me and  
8       Mike down here, there's Chuck and Larry talking at the other  
9       end of the table, it didn't happen. That's fantasy, that's  
10      false, that's not true. And that's the government's whole  
11      theory that that's when the bribery scheme was hatched, and  
12      these documents prove not true.

13       Okay. So you might say, well, that's -- my gosh,  
14      that's going back five, six years, so maybe he's mistaken,  
15      maybe it was not the 18th but it was the 19th. Wrong. It  
16      can't be. Let me explain. He describes seeing Chuck and  
17      Larry on the 18th at Charlie Palmer steakhouse, and the next  
18      night on the 19th, he describes dinner at a completely  
19      different restaurant, the Palm. And he says -- "he" being  
20      Jeff -- that it was a much more intimate affair, that it was  
21      me, Jeff, Tony George, Mike Dowling, Chuck Jones, Larry  
22      Householder, and we were all at the Palm.

23       But that's not true either, and Householder Exhibit 479  
24      proves it. And this -- let me blow that up for you -- is  
25      from Chuck Jones' expense report. The expense report that

1       the government never saw until the middle of this trial.  
2       They never secured these documents as part of their  
3       investigation; we did. And right there it is, that Chuck  
4       Jones and his wife and Tony George and his wife had dinner  
5       at the Four Seasons hotel, not the Palm restaurant, the Four  
6       Seasons hotel, at the Bourbon Steakhouse. And they left --  
7       or they paid the bill, I should say, at 8:46 p.m., there it  
8       is. So Chuck and Tony aren't having dinner with Jeff at the  
9       Palm restaurant on the 19th because they're having dinner  
10      with their wives at the Bourbon Steakhouse.

11           Now, the government would say, well, hold on here, the  
12      itinerary -- I should say that Jeff had circulated before  
13      everybody got to DC showed the reservations at the Palm  
14      restaurant were at 9:30. So isn't it possible that they  
15      finished dinner at the Bourbon Steakhouse and then  
16      presumably had their wives walked back to their hotel and  
17      said, you know what, I'm not -- I'm still hungry, let's go  
18      for a second steak dinner at the Palm.

19           No. 1, that's ridiculous. But, No. 2, here's more of  
20      Chuck Jones' expense reports, and, again, you're going to  
21      have -- these are all admitted into evidence. You will have  
22      these exhibits. I encourage you, I urge you, to scrutinize  
23      every page, and you will see there's no charge at the Palm,  
24      no charge. Who paid for dinner at the Palm, if it took  
25      place? Well, maybe it wasn't Chuck, maybe it was Mike

## CLOSING ARGUMENT BY MR. BRADLEY

24-3858

1 Dowling, how about that? No, because here's Mike Dowling's  
2 expense reports from the 19th, no charge at the Palm. And  
3 you can look at Jeff Longstreth's credit card records, too,  
4 they're in evidence, no charge at the Palm.

5 So what can we conclude from all of this that we're  
6 looking at concerning the Presidential Inauguration,  
7 January 18th, January 19th, when the government says that's  
8 when the bribery scheme was hatched? It never happened, not  
9 on the 18th, not on the 19th. It's fantasy. It's false.

10 It seems if you didn't know any better and you were  
11 just looking, as you did, to Jeff Longstreth as he testified  
12 in these vivid descriptive terms, God, it seems so real and  
13 believable, and they've got records to show that  
14 reservations were there, so it stands to reason -- I have no  
15 reason to disbelieve it, until you look at all of these  
16 documents. And now we're not relying on some cooperating  
17 witness' word about what happened in DC, we're looking at  
18 the documentation, the records, the proof, the evidence, and  
19 all fantasy, didn't happen.

20 So the government's whole theory that Larry was bribed,  
21 notwithstanding what we just talked about in Government  
22 Exhibit 212, the whole theory that Larry was bribed and it  
23 all happened in DC when he flew on the private jet and went  
24 to the fancy steakhouse, not true.

25 Let me move on. So you'll recall the testimony of Juan

1 Cespedes, the government's other cooperating individual, the  
2 government's other witness that is hoping for a deal. And  
3 he testified that on October 10th, 2018, that he -- "he"  
4 being Juan -- Bob Klaffky, Geoff Verhoff, and Dave Griffing  
5 all went to the State Street offices where JPL, Gen Now and  
6 Larry's campaign office were all housed, and they had that  
7 check for 400 grand. And you'll recall that he described  
8 everybody going into a conference room delivering the check  
9 to Larry, delivering the check to Larry, and describing it  
10 in very nefarious and culpatory, you know, this was the quid  
11 pro quo, if it didn't happen in DC, it happened here on  
12 October 10th. Here's 400 grand, in exchange you give us  
13 that legislation. That's, in essence, what he testified and  
14 described to you.

15 And, remember Government Exhibit 200, the State Street  
16 offices, that's where all of these guys went and met with  
17 Larry. And remember Juan's testimony, he said the meeting  
18 took place in the conference room, and you may recall he  
19 described where everybody was sitting around the table, and  
20 I made sure to put Dave Griffing, the client from FES, close  
21 to Larry. And he described Bob Klaffky, by all accounts a  
22 well-respected lobbyist who was there, sliding the  
23 envelope -- look at this, sliding the envelope, right under  
24 Larry's hand. Very vivid, very memorable, and one of those  
25 details that paints a mental picture for you, my God, that

1       seems so real. And he described these verbal and nonverbal  
2       cues from Larry that he agreed that he would introduce the  
3       legislation presumably in exchange for 400 grand.

4           But then we presented the testimony of Bob Klaffky  
5       himself, and Bob, according to Juan, was at this meeting and  
6       Bob acknowledges, oh, yeah, I was at the meeting, and in  
7       simple terms described it completely differently, completely  
8       different. Let's start with we weren't at the conference  
9       room. We were right in the lobby. Nobody even sat down.  
10      And I -- "I" being Bob Klaffky -- I didn't give him the  
11     check; it was Dave Griffing, the client. And he handed it  
12     to him, nobody slid it across the table under his hand, that  
13     didn't happen. And I saw nothing that would suggest pay to  
14     play. So when you only hear Juan's testimony, that sounds  
15     pretty believable. And then you listen to Bob Klaffky, and,  
16     oh, why is Juan describing it so differently?

17           And here's another key point to consider regarding Bob  
18       Klaffky, the FBI never interviewed him as part of this  
19       investigation. You know, the government referenced,  
20       correctly so, that you were presented with a gazillion pages  
21       of documents, that's correct, bank records, e-mails, texts,  
22       and I'll talk about this more a little further into my  
23       presentation, but this was a woefully incomplete  
24       investigation. The stuff that really matters, the  
25       government ignored, they turned a blind eye. And the reason

1 being is government bias, that's the explanation.

2 They don't want evidence that is inconsistent with  
3 their theory of the case, because if you interviewed Juan  
4 Cespedes -- "you" being the FBI -- and he's describing,  
5 whoa, this is the bribery and there were three other guys  
6 present and participating, why in the world, what plausible,  
7 possible explanation could there be that, hey, do you think  
8 it's a good idea for us to go out and talk to those guys and  
9 see what their account of this event was; no, I'm good with  
10 what Juan says.

11 They never talked to Bob Klaffky, and I'll talk about  
12 it further, but they never talked to Geoff Verhoff either,  
13 because Geoff -- excuse me, Juan provides a narrative that's  
14 consistent with their theory of the case and they don't want  
15 to know any more, and by extension, they don't want you to  
16 know any more. That's government bias, and when they don't  
17 follow through and interview key people about key events,  
18 that's what I'm talking about when I say an incomplete  
19 investigation, and it's on full display regarding the events  
20 of October 10th.

21 Juan's description isn't true because he's a  
22 cooperating witness, and he wants a deal. He wants to avoid  
23 prison.

24 I'll move on. So the government talked quite a bit  
25 throughout the course of the trial about the payments that

1       Jeff Longstreth made on behalf of Larry Householder, and,  
2 specifically, the payments to settle the litigation  
3 associated with the coal mine, the payments associated with  
4 the repair of the house in Florida, and the payments  
5 associated with the credit cards. And they characterize  
6 that as Larry's cut of the ill-gotten gains, his piece of  
7 the bribery money. Recall all that?

8           But their own witness, their own cooperating witness,  
9 Jeff Longstreth, says, well, no, that was a loan and Larry  
10 agreed to repay me that money from the proceeds from the  
11 sale of the house. And I, as Jeff Longstreth, accepted  
12 that, understood that, I was okay with that. I trusted that  
13 Larry would repay me out of the proceeds from the sale of  
14 the house.

15           Now, over time, that agreement changed, and instead of  
16 it being a loan, they said, let's do this. There was some  
17 discussion amongst themselves where Larry was just going to  
18 turn the deed to the home over to the bank to satisfy the  
19 lien associated with the judgment. And Jeff and Larry  
20 agreed, well, that's stupid, the house is worth a lot more  
21 money than the judgment and the lien, so let's go into  
22 business together. And Larry's contribution to the business  
23 will be the home, the deed to the house, and Jeff's  
24 contribution to the business will be the moneys that he  
25 contributed and paid on behalf of Larry's benefit associated

1       with the judgment, the repair of the house, and the credit  
2       cards.

3           And you recall they said, well, if we're going to do  
4       this, if we're going to go into business together, we've got  
5       to do this right, and they hired Taft law firm. And you  
6       heard Caryn Kaufman testify that she's the one who drafted  
7       the operating agreement and the contribution agreement.

8           So this money isn't proceeds of bribery, it's not  
9       Larry's cut of the ill-gotten gains, it's a loan that  
10      eventually turns into a business agreement.

11          And look at that e-mail, Householder Exhibit 480, and  
12      that's from Steve Myli, and you recall Mr. Myli testified in  
13      the trial, he's the Florida contractor. And he sends an  
14      e-mail May 27th of 2020, that's six weeks or so before they  
15      were arrested, and they're just finishing the project.  
16          Final amount owed is about 37 grand, hope you guys like the  
17      final project, I think it turned out great.

18          And then here is -- in Householder 20, Exhibit 20, this  
19      is part of what the attorney from Taft talked about, Caryn  
20      Kaufman, and this is the articles of organization and  
21      operating agreement for the company that they were forming.  
22          And read the highlighted portions, the purpose of the  
23      company: We're going to own and manage the real property  
24      located at 226 Beleville, that's the Florida home, and then  
25      we're going to acquire, own, and manage additional real

1       property as determined by the members, Jeff and Larry. So  
2       it's all documented. And then here's another exhibit, all  
3       admitted into evidence, that was the warranty deed  
4       associated with the sale.

5           So bottom line, Larry sold the house in April of 2022,  
6       so 18 months or so after they were arrested. And the  
7       government makes a big deal and says, you never paid Jeff  
8       back, that's proof that this was never a loan. And you  
9       heard Larry's explanation. No. 1, I have a no-contact  
10      order, I can't have any contact with Jeff Longstreth. And,  
11      No. 2, can you imagine what would happen if Larry sent a  
12      cooperating witness a check for 3, 4, 500 grand, that the  
13      government would be saying you're obstructing justice,  
14      you're tampering with a witness.

15           So all of this talk about the moneys that Jeff paid, am  
16      I missing something? This is Larry's cut of the ill-gotten  
17      gains? Then, why didn't Jeff Longstreth say that? He's  
18      cooperating with the government. Why didn't he tell them  
19      that? Because this was all just a loan that they documented  
20      that turned into, hey, let's go into business and flip  
21      houses together. What, I don't understand what -- I don't  
22      understand what we're talking about here. This is a nothing  
23      burger.

24           Let me move on. So I was talking a little bit ago  
25      about the government's failure to interview Bob Klaffky and

1 how can that be, and why would they fail to do that, such an  
2 important component of their investigation, and the reason  
3 being just what I said, it's government bias. They're not  
4 conducting an independent, objective investigation, hey,  
5 we're going to go wherever the evidence takes us. That's  
6 not what's going on here. And that's why I say,  
7 notwithstanding the fact that a mountain of evidence was  
8 collected, it's not the meaningful stuff, the stuff that's  
9 going to address was Larry bribed. They missed all of that.  
10 So let's go through some of that.

11 You know, they make this huge deal out of Team  
12 Householder as if there's something nefarious about that.  
13 No, there's not. He was running a slate of candidates just  
14 like Ryan Smith was. And you heard the government talk  
15 about Larry wanted casket carriers, like he's a mob boss or  
16 something, a loyalty pledge, you'll go to the grave for me.  
17 And they didn't interview a one of them 20-plus legislators,  
18 and they didn't -- it didn't occur, hey, did he want a  
19 loyalty pledge, did he ask that you vote for House Bill 6,  
20 did he ask that you will support his legislation? Didn't  
21 talk to one of them, and that's evidence of an incomplete  
22 investigation, and the reason being because they don't  
23 want -- they want to talk to Ryan Smith's people, they want  
24 to talk to the people who voted no on House Bill 6, but they  
25 don't want to talk to the people on the other side of the

1 aisle because they don't want to hear what they've got to  
2 say, and by extension, they don't want you to hear what  
3 they've got to say.

4 Failed to interview Bob Klaffky, I've already touched  
5 on that.

6 THE COURT: Excuse me, you are not to refer to  
7 George Verhoff. He did not testify, nothing he may or may  
8 not have said is in evidence. Move along. Take that down.

9 MR. BRADLEY: Could I have a brief sidebar, Judge,  
10 very brief?

11 THE COURT: Yeah.

12 **SIDE BAR CONFERENCE.**

13 MR. BRADLEY: There was testimony elicited from  
14 Agent Wetzel that they never interviewed Geoff Verhoff, and  
15 that's my only point.

16 THE COURT: I ruled, I'm sticking with it. There  
17 was all of the Fifth Amendment stuff and you're not going to  
18 mislead this jury. I ruled. Proceed.

19 MR. BRADLEY: So the only other issue, Judge, is --

20 THE COURT: Yeah.

21 MR. BRADLEY: I've got in this exhibit, I've got a  
22 number of bullet points that flow after that, and I don't  
23 know if I can take that down, just the Geoff Verhoff stuff.  
24 Can you do that?

25 THE COURT: Remove that bullet point.

## CLOSING ARGUMENT BY MR. BRADLEY

24-3867

1                   MR. OLESKI: It would take me a couple of minutes,  
2 Judge, to remove that one bullet point.

3                   THE COURT: Do you want me to instruct the jury why  
4 they should not listen to anything about Verhoff, that he's  
5 prepared to plead the Fifth and talked to the government  
6 lawyers?

7                   MR. BRADLEY: No. Give us a minute.

8                   THE COURT: Take it, you've got it.

9 **SIDE BAR CONCLUDED.**

10                  (Pause.)

11                  MR. BRADLEY: More examples of the government's  
12 incomplete investigation, they never obtained any of the  
13 expense reports of either Chuck Jones or Mike Dowling, and  
14 think how important that is. Their whole theory is that the  
15 bribery plot was hatched in DC and Jeff is describing these  
16 various dinners, there's issues about when Chuck got there.  
17 And as executives at FirstEnergy, they expense everything.  
18 Why wouldn't you get their expense reports? Then you're not  
19 just relying on the memory and word of Jeff Longstreth. And  
20 they never bothered; we did. And that's some of what the  
21 exhibits I was showing you, the Bourbon Steakhouse receipt,  
22 et cetera, but that's all -- we got that. They never  
23 bothered.

24                  Ditto with their credit card statements. So we know  
25 exactly what they're doing before they get to DC, while

## CLOSING ARGUMENT BY MR. BRADLEY

24-3868

1       they're at DC. These are critical moments in their  
2 investigation, didn't bother, because they don't want that  
3 information. That's part of the government bias. If it  
4 doesn't fit their narrative, they don't want it.

5                 Failed to obtain any Title III warrants. You know that  
6 the Title III warrants allow the government to listen and  
7 record telephone communications, and we know they can do it  
8 because they got a Title III for Neil Clark's phone for an  
9 unrelated investigation and that's some of the recordings  
10 that we've listened to in this trial. But how about getting  
11 a Title III for Larry Householder's phone? Then we're not  
12 just looking at phone records and saying, look, there's all  
13 these attempted calls, but we don't know what was said. Get  
14 a Title III warrant. Or for any of the other important  
15 witnesses in this case. Didn't do it.

16                 They never interviewed any of the sponsors of House  
17 Bill 6, Jamie Callendar and Shane Wilkin, to question them  
18 why did you introduce this legislation, tell me about your  
19 dealings with Larry Householder, what he said, was he  
20 pressuring you, didn't bother. They don't want to know.

21                 They chose not to call anybody representing --  
22 representatives from the Legislative Service Commission, and  
23 you heard during some of their cross-examination, I think it  
24 was Ms. Glatfelter actually that was suggesting in her  
25 questions that Legislative Service Commissions conducted a

## CLOSING ARGUMENT BY MR. BRADLEY

24-3869

1 financial analysis of proposed legislation, including House  
2 Bill 6. So we know whether, for example, in this case,  
3 whether it actually saves rate payors money or if it's a  
4 wash, get rid of the mandates versus -- or whether it  
5 actually costs rate payors more money. They conduct that  
6 financial analysis and generate a big, thick report, and  
7 they never presented any of that testimony to you.

8 They chose not to call the Senate President Larry Obhof  
9 because we know that, you know, again, the government talks  
10 about Larry passing the bill, that's not how it works. All  
11 right, we've got the House, the Senate, and the governor.  
12 And we heard from Juan Cespedes that on that October 10th  
13 date I was talking to you about earlier that they went and  
14 met with Larry Householder -- "they" being FES  
15 representatives, lobbyists, including Juan Cespedes -- and  
16 then they also met that same day with Mr. Obhof, Senate  
17 President Larry Obhof. So wouldn't it be interesting to  
18 hear what Senator Obhof would say about October 10th? And  
19 wouldn't it be interesting to hear what Senator Obhof would  
20 say about his dealings with Mr. Householder concerning HB 6  
21 and the legislative process in the Senate? The government  
22 chose not to call that, chose not to present that testimony  
23 to you. In fact, chose not to call anybody from the Senate.

24 Didn't hear from anybody in the governor's office.  
25 Same thing. When Juan and other lobbyists working for

1       FirstEnergy met with Mr. Householder, Senator Obhof, they  
2       met with Governor DeWine as well, the same day,  
3       October 10th. Wouldn't it be interesting to hear what was  
4       discussed at that meeting? And we know that Governor DeWine  
5       signed HB 6 into law the same day the concurrence vote  
6       passed in the House, same day. Why, why was it signed on  
7       the same day? Why so quickly? Why did you support it? You  
8       didn't hear any of that testimony.

9              Chose not to call Tony George. Tony, according to  
10       Jeff, was one of the people at the Palm restaurant on the  
11       5th, that intimate restaurant. Let's hear Tony's account of  
12       what happened on the 19th. Was he at the Bourbon Steakhouse  
13       with Chuck or was he at dinner at the Palm with Jeff? But  
14       we didn't hear from Tony.

15              Didn't hear from Tony's wife, Tony George's wife.  
16       Didn't hear from Chuck Jones' wife. Were you out to dinner  
17       with your husband that night at the Bourbon Steakhouse in  
18       the Four Seasons hotel? Did your husbands leave the Bourbon  
19       Street -- or Bourbon Steakhouse and then go out to dinner  
20       for a second steak dinner afterwards? We don't know. We  
21       didn't hear that testimony. The government chose not to  
22       call those witnesses.

23              Chose not to call Attorney General Dave Yost. And  
24       we've heard much testimony regarding and seen the telephone  
25       contact, the telephone records, that show contact between,

## CLOSING ARGUMENT BY MR. BRADLEY

24-3871

1 well, Larry and Attorney General Yost, and Matt Borges and  
2 Attorney General Yost. But we didn't hear from Attorney  
3 General Yost about, okay, I see that you had a 13-minute  
4 call on such-and-such a day, tell us about that  
5 conversation, Attorney General Yost. Was there anything  
6 improper or nefarious had in that conversation? Tell us  
7 about it. Didn't hear it, and all because that doesn't fit  
8 their narrative. That is government bias on full display.

9 So just expounding on no Title III warrants, and this  
10 is Government Exhibit 733 that shows all of the contacts  
11 between Larry and Chuck, Larry and Mike, Jeff and Chuck, and  
12 Jeff and Mike, Mike Dowling. Right. And we've seen now  
13 many of these exhibits, but we don't know what was said  
14 because the government didn't get Title III warrants to  
15 intercept and record those conversations. So amazingly,  
16 when the defense called several legislators as defense  
17 witnesses, on cross-examination, they were asked, well, do  
18 you know what was said during some telephone conversation  
19 between Larry and Mike -- Chuck, to which of course they say  
20 no. But neither does the government because they didn't get  
21 a Title III warrant, and, by extension, neither do you  
22 because their investigation is biased and incomplete.

23 And then look at these records showing all of the  
24 contacts between, as I said, Jeff and Mike, Jeff and Chuck,  
25 Larry and Chuck, Larry and Mike, and want to leave the

## CLOSING ARGUMENT BY MR. BRADLEY

24-3872

1 impression with you that, holy cow, look how much these guys  
2 are talking. Okay. But many of these calls are -- they're  
3 either zero seconds or 15 seconds or less where it's clear  
4 there's no conversation, and look what happens when you --  
5 all of the ones in the red are 15 seconds or less, so  
6 there's no communication had here. And don't those exhibits  
7 look much different? It's misleading.

8 More misleading, you heard testimony from Blane Wetzel  
9 about this article: State airplane sent to Chicago to pick  
10 up Ohio House members for the HB 6 vote. But, but Agent  
11 Wetzel never testified, on direct examination at least, that  
12 it was the governor's office that approved the plane, and in  
13 the end, it never went to Chicago, the plane never took off.  
14 But they want to leave that impression in your mind, again,  
15 suggesting that there's funny business going on. It's just  
16 misleading.

17 As I said, they want to argue to you that Larry wants  
18 casket carriers, he's pressuring people to vote for House  
19 Bill 6, he's pressuring people to support his bid for  
20 Speaker, but they never talked to any of them. And the only  
21 witnesses the government called -- legislators I'm referring  
22 to -- are the ones who voted against House Bill 6 or voted  
23 for Ryan Smith and against Larry for Speaker. Why is that?  
24 They only want half the story, and by extension, they only  
25 want to present half the story to you.

1           So we called some of the legislators, Brett Hillyer,  
2 and he testified that there was no loyalty pledge and Larry  
3 never asked me or pressured me to vote for him for Speaker,  
4 and ditto for the energy legislation, that didn't happen.  
5 And we called Nino Vitale, he said the same thing. And Jim  
6 Trakas said the same thing. And we heard from Anna  
7 Lippincott, and she was involved in candidate recruitment,  
8 she said the same thing. Megan Fitzmartin, working for JPL  
9 and Gen Now, involved in candidate recruitment, she said the  
10 same thing.

11           We also heard testimony about the FBI's investigation  
12 utilizing undercover agents regarding the issue of legalized  
13 gambling, and that's where you heard the undercover  
14 recordings at the Aubergine private dinner club in Columbus.  
15 And we heard how the government expended considerable  
16 resources, both financial and manpower, into this  
17 investigation. They paid Neil Clark 5 grand a month for  
18 10 months, 50 grand, took him down to Tennessee for the  
19 weekend, all to gain that trust. Set up this dinner meeting  
20 at Aubergine's with Larry and others. You heard some of  
21 those recordings. Make the big point, hey, how much was the  
22 bill for that dinner, 2700, but it was actually the FBI,  
23 undercover FBI agents, that suggested they go there. They  
24 had a check for a contribution with them at that dinner,  
25 never presented it. And then after that dinner, they just

**CLOSING ARGUMENT BY MR. BRADLEY****24-3874**

1       dropped it. Nothing ever came of it. They never followed  
2       up and talked to Larry. They never followed up to talk to  
3       Jeff. They never had any future contact with Neil. And the  
4       point is, why are we hearing about that, what's that -- in  
5       this trial, what's that got to do with why Larry introduced  
6       and advocated for the passage of House Bill 6, what does  
7       that have to do with anything? And the answer is, they want  
8       to just sling a little mud, have you listen to these  
9       undercover recordings that just sound bad. If somebody was  
10      reading from the newspaper, if it's on one of these  
11      recordings, it would just sound bad. You must be doing  
12      something bad if there are undercover agents and they're  
13      recording your conversation. And nothing comes of that  
14      investigation. Why are we hearing that evidence in this  
15      trial?

16           And then more examples of just misleading evidence, and  
17      that's this exhibit. We already talked through this a  
18      little bit, but want to suggest to you that Larry's  
19      testimony regarding just meeting Chuck Jones for the first  
20      time at Game 7 of the World Series is somehow not true by  
21      pointing to the fact that, you know, it was created in  
22      October before the game. But we know that it was modified  
23      in September, all the way through September of 2017, and,  
24      thus, a work in progress. The reference to Anna Lippincott,  
25      everything I just talked to you about earlier, and they know

## CLOSING ARGUMENT BY MR. BRADLEY

24-3875

1       this, they know this, but they don't point that out. It's  
2       misleading.

3           I'm just asking, do you want to take a break at any  
4       point?

5           THE COURT: It's your call.

6           MR. BRADLEY: I'll keep going, if you don't mind.

7           So we heard -- the government presented these JLEC  
8       forms, financial disclosure forms, that are required for all  
9       public officials to complete. And why are we hearing about  
10      these? This isn't a campaign finance violation case. Why  
11      are we hearing about this? And just another attempt to kind  
12      of muddy Larry up a little bit. And you heard Larry testify  
13      and explain that, look, I had an attorney help me with these  
14      forms, I'm relying on what he's telling me. And there is  
15      part of the exhibit, is proof that he's got an attorney  
16      that's helping him do this.

17           And they make a big deal that one of Larry's  
18       businesses, Householder, LTD, is not identified. And the  
19       form requires that you list all of the names of the  
20       businesses that are doing business, and that business is  
21       dormant. It's not doing business. It doesn't need to be  
22       included there. But what's this got to do with whether  
23       Larry was bribed as part of HB 6?

24           And then just another example. On these JLEC forms,  
25       list all of the names of creditors residing or transacting

1 business in Ohio, and you didn't include the judgment that  
2 Union Bank had against you in connection with the Alabama  
3 coal mine. And you heard testimony that Union Bank is in  
4 Louisiana and doing business in Alabama, not Ohio. So that  
5 doesn't need to be listed there. This isn't a campaign  
6 finance violation case. Why are we hearing this testimony?  
7 Why is the government choosing to present this to you?

8 There's been a lot of testimony as well about  
9 Generation Now and that Larry controlled Generation Now.  
10 Jeff controlled Generation Now, not Larry. And just looking  
11 at all of those bullet points, you can knock them off. Jeff  
12 is the one who created Generation Now, controlled all of the  
13 bank accounts, never shared any of the financial information  
14 with either Anna or Larry. Anna testified about that. I  
15 kept asking Jeff can I get access to some of the financial  
16 information, huh-uh. And Longstreth is the one who decided  
17 how much he was going to pay himself; Larry knew nothing  
18 about that. And Longstreth is the one who decided how the  
19 money was going to get spent. No doubt that Larry was  
20 aligned with Generation Now, we know that because he  
21 fundraised money in there. And we know Jeff is the one that  
22 paid himself \$5.4 million from Generation Now. So who's in  
23 control of Generation Now, Larry? No.

24 Here's another exhibit, Government Exhibit, that we've  
25 seen during the course of the trial that shows that

1       FirstEnergy and/or Partners For Progress deposited \$60  
2       million into the Generation Now accounts and that's all  
3       bribe money. But, again, that's so misleading because it's  
4       important to understand and appreciate that the goals of  
5       Generation Now changed over time.

6           In 2017/2018, that's the time period leading up to the  
7       2018 general election, and that's when the slate of  
8       candidates known as Team Householder were operating their  
9       campaigns marching towards the general election. And much  
10      of the money that was contributed into Gen Now's accounts  
11      was used to support, directly and indirectly, the campaigns  
12      of the slate of candidates that's known as Team Householder.

13           But then after the 2018 general election and shortly  
14      thereafter, Larry gets elected Speaker. Shortly thereafter,  
15      House Bill 6 gets introduced, and the bulk of the money  
16      that's contributed into the Generation accounts is used to  
17      support a public education campaign, first, advocating for  
18      the benefits of House Bill 6, and then later as part of an  
19      education campaign to defeat the referendum efforts. And  
20      then once the referendum effort failed and we move into  
21      2020, the goals of the organization changed again, and now  
22      another public education campaign regarding the term limits  
23      initiative.

24           So it's important when you look at the money that was  
25      contributed into Generation Now to appreciate and understand

1       that the goals changed and the reason the money is  
2       contributed changes in accordance with the goals. And we  
3       can see that right here, 2017/2018, there's about 4.5,  
4       \$4.6 million that was contributed to Generation Now, and all  
5       of that money -- or most of that money was used to support  
6       the campaigns of the slate of candidates.

7           And then when you move to 2019, that's the big bucks  
8       there, 55, \$56 million -- 57 actually, and that's not bribe  
9       money. That's money that was used to fund a statewide  
10      education campaign. And then when you move to 2020, same  
11      thing, funding a public education campaign regarding the  
12      term limits initiative. So the government's  
13      characterization that this is all bribe money is just not  
14      true.

15           So going back, just talk a little bit more about the  
16      2017/2018 time period, that's the period of time where the  
17      slate of candidates needs financial support, needs  
18      assistance. And the government's theory would be that Larry  
19      was so desperate to return to power that he's willing to  
20      sell his soul to the devil, so to speak, and that the only  
21      way that he can do that is to recruit this slate of  
22      candidates, but he needs millions of dollars to support this  
23      slate of candidates, and that the only way he can get that  
24      money is through FirstEnergy. And, thus, okay, I'm so  
25      desperate for the power, I'll take your money knowing that

## CLOSING ARGUMENT BY MR. BRADLEY

24-3879

1 I've got to agree to give you the legislation you need,  
2 that's that quid pro quo. But none of that's true, because  
3 look at all of the people in that 2017/2018 period that were  
4 contributing to Generation Now and big bucks.

5 And we heard about testimony that Larry was a long-time  
6 supporter of unions, and as a result, look how many unions  
7 contributed big bucks to Larry's campaign: United  
8 Brotherhoods; AFL-CIO; the ACN Ohio Foundation, that's a  
9 union; Political Education Partners, that's a union. Again  
10 on the right, Political Education Partners, that's a union.  
11 And that's not bribe money, that's money that the unions are  
12 supporting Larry's bid for Speaker, because in a campaign of  
13 Team Smith and Team Householder, Team Householder is the guy  
14 that's known for supporting unions. Who do you think  
15 they're going to support? Of course. It's not bribe money.  
16 It's political contributions. We support team -- or we  
17 support Larry's bid for Speaker.

18 And then the same thing with energy. Larry's a  
19 long-time supporter of Ohio's utilities, a long-time  
20 supporter and believer in the importance of energy  
21 generation in Ohio. Who do you think energy companies want  
22 to see in the Speaker's gig, Ryan Smith or Larry  
23 Householder?

24 So all of the money that's contributed in that  
25 2017/2018 period was intended to support the slate of

**CLOSING ARGUMENT BY MR. BRADLEY****24-3880**

1 candidates that would hopefully go on to support Larry's bid  
2 for Speaker. It's not bribe money.

3 And there's another thing we've heard from the  
4 government throughout the last six weeks of trial, it's all  
5 a secret. No, it's not. No, it's not. Here's an example.  
6 This is an e-mail from Matt Smith from the AFL-CIO, they  
7 contributed 175 grand to Generation Now. Here's his e-mail  
8 from February of 2018 to Jeff Longstreth: Hoping you can  
9 send me a list of Team Householder candidates once the  
10 filing deadline is over. We want to be helpful in some  
11 races where we can. So they know where their money is going  
12 and they know what the purpose of those contributions are.  
13 They understand that there's a slate of candidates that is  
14 identified as "Team Householder." They understand there's a  
15 slate of candidates for Team Ryan Smith. There's no secrets  
16 here.

17 And then look at this: Please cut a check for 175  
18 grand to the following 501(c)(4), Generation Now. Why does  
19 the government keep telling you that this is all a secret?  
20 No, it's not. And how is all of this money that's used to  
21 support this slate of candidates bribe money? And that's  
22 why I bring us back to this e-mail, Government Exhibit 212.  
23 Here we are in November of 2016 and Larry is saying I'm all  
24 in favor of legislation as long as it makes sense for  
25 utility relief. And that's all months before any of these

1 contributions that we're seeing, which aren't even bribes to  
2 begin with, they're moneys that are used to support Larry's  
3 bid for Speaker because that's who they prefer over Ryan  
4 Smith.

5 And then when we move to after the general election,  
6 Larry is now Speaker, House Bill 6 gets introduced, and as  
7 it's moving through the legislature, which is the House and  
8 then the Senate, there's opponents. You heard testimony,  
9 that's how it works in politics, there's always somebody on  
10 each side of the issue. So there's people in organizations  
11 that support House Bill 6 and there's people in  
12 organizations that oppose House Bill 6.

13 And the people that were opposing it ran statewide  
14 advertising to educate the public against House Bill 6, this  
15 is bad legislation. So the people that stood to benefit  
16 from House Bill 6, primarily FirstEnergy Solutions, says,  
17 well, we want our own educational campaign. What they're  
18 saying isn't true, we want to combat that. And that costs  
19 money, big money, and all of that money was spent on those  
20 public education campaigns. It's not bribe money.

21 In fact, this is all money that's approved by the  
22 independent board of directors at FirstEnergy Solutions.  
23 And here's an e-mail, this is Householder Exhibit 399 from  
24 John Judge, a FirstEnergy Solutions executive, to the  
25 various members of the board of directors at FirstEnergy

1       Solutions. As we discussed at the last meeting, Generation  
2 Now is a 501(c) (4) group supporting House Bill 6. They're  
3 providing media support in critical markets to offset  
4 negative advertising being done by our opponents. We  
5 believe that spending the money on advertising to support  
6 good policy in Ohio and offset negative advertising is a  
7 valid tactic and a worthwhile expenditure.

8           So again, no secret, transparent. This isn't bribe  
9 money. It's money spent to counteract a negative  
10 advertising campaign, because they want to see House Bill 6  
11 signed into law because that's going to help preserve the  
12 two nuclear power plants. Of course, they want that. Of  
13 course, they're going to spend money for that.

14           And then here's the board resolutions. There was two.  
15 One in May of 2019, a formal resolution: Upon  
16 recommendation of the company's review committee, we propose  
17 to donate to Generation Now in support of House Bill 6 up to  
18 \$15 million. And then here's the second resolution in July  
19 of 2019, essentially, these advertising campaigns are big  
20 bucks, we need more money. This makes sense for the  
21 company. It's not bribe money.

22           And the same would be said in 2020 regarding the public  
23 education campaign for the term limit initiative, same  
24 thing. This isn't bribe money.

25           I'm watching the time. I'll keep going, if that's all

1 right.

2 THE COURT: Yeah, it's up to you until it gets too  
3 long.

4 MR. BRADLEY: So we looked at this exhibit at some  
5 point during the trial, and we heard quite a bit of  
6 testimony and seen quite a few documents, e-mails, text  
7 messages about all of these individuals, Chuck Jones, CEO;  
8 Mike Dowling; Kiani and Judge from FES; everybody there.  
9 But we didn't hear any testimony from Chuck Jones.

10 MR. SINGER: Can we have a sidebar, Your Honor?

11 THE COURT: Yes.

12 **SIDE BAR CONFERENCE.**

13 MS. GLATFELTER: Your Honor, we've sat here and  
14 listened to way improper argument. I mean, I think there  
15 needs to be a curative instruction about why -- the only  
16 reason the government didn't call people is because people  
17 have Fifth Amendment, just like these defendants. So when  
18 they're suggesting that the only reason we didn't call some  
19 of these people is because we're hiding stuff from the jury,  
20 we didn't object, extremely misleading, and now they put up  
21 there we didn't talk to Chuck Jones. Are we serious?

22 MR. BRADLEY: I didn't say that. I said you didn't  
23 call them as a witness. Is that improper? I don't think  
24 so.

25 THE COURT: You know why they didn't call him.

## CLOSING ARGUMENT BY MR. BRADLEY

24-3884

1                   MR. BRADLEY: I don't know why.

2                   THE COURT: Well, I do or I infer it. If you wish  
3 to present a proposed curative instruction, I'll consider  
4 it. I think you need to be careful. Is that sufficient at  
5 this time?

6                   MS. GLATFELTER: Yes, as long as he doesn't go  
7 there in terms of the people that haven't been witnesses  
8 here. They have Fifth Amendment rights just like the  
9 defendant who didn't testify. And so they file a motion for  
10 a missing witness instruction, which is completely  
11 inappropriate, and now we're in between a rock and a hard  
12 place because they've suggested to this jury that we haven't  
13 met our burden because we didn't call people with Fifth  
14 Amendment rights.

15                  THE COURT: I'm prepared to consider a curative  
16 instruction. If you give me a moment, I want to talk to my  
17 law clerk.

18                  MS. GLATFELTER: I would like to talk to our team.  
19                  (Pause.)

20                  THE COURT: Why don't we reassemble, if I can see  
21 the lawyers. I'm inclined to take a break and give you an  
22 opportunity to figure out how you're going to deal with  
23 this. Any objection?

24                  MR. BRADLEY: No.

25                  MR. SINGER: No.

## CLOSING ARGUMENT BY MR. BRADLEY

24-3885

1                   THE COURT: All right. We'll take a mid afternoon  
2 break.

3                   **SIDE BAR CONCLUDED.**

4                   THE COURT: Ladies and gentlemen, it's time for our  
5 afternoon break. During the break, take a break. Don't  
6 discuss the case with anyone else or among yourselves. No  
7 independent research. Continue to wait until you've heard  
8 all closing arguments. We'll rise as you leave for a  
9 20-minute break.

10                  THE DEPUTY: All rise for the jury.

11                  (Jury exited the courtroom at 2:36 p.m.)

12                  THE COURT: Jury has left the room. As always,  
13 we'll wait for anybody to leave the courtroom until we're  
14 advised the jury has cleared the floor. Then we're taking a  
15 20-minute mid afternoon break. That will bring us back a  
16 little before 3.

17                  (Pause.)

18                  THE COURT: The jury is not present. You may  
19 consider rearranging your slides.

20                  MR. BRADLEY: (Nodding head.)

21                  THE DEPUTY: All clear, Judge.

22                  THE COURT: 20-minute break.

23                  THE DEPUTY: Court is in recess.

24                  (Recess taken from 2:37 p.m. to 3:00 p.m.)

25                  THE DEPUTY: All rise. This court is in session

## CLOSING ARGUMENT BY MR. BRADLEY

24-3886

1 pursuant to the recess.

2 THE COURT: Please be seated. Outside the presence  
3 of the jury, I've given it some thought and I have a  
4 curative instruction that I'm considering giving. What's  
5 the government's position at this time?

6 MS. GLATFELTER: Government submitted a curative  
7 instruction to chambers. We believe that it should be read  
8 now in the context of defendant's closing.

9 THE COURT: Very well. I need to see a copy of it,  
10 and I'll recess until I get that done. Stay where you are.

11 (Off the record from 3:03 p.m. to 3:08 p.m.)

12 THE DEPUTY: Court is in session.

13 THE COURT: Please be seated. Back on the record  
14 outside the jury's -- jury is not here. I've read the  
15 government's proposed curative instruction and the  
16 defendant's response and its proposed curative instruction.  
17 I intend to give the government's curative instruction,  
18 which is Modeled Federal Jury Instructions Criminal 6.056-7.

19 Mr. Householder's counsel need to be heard before I  
20 proceed?

21 MR. OLESKI: Yes, Judge, just briefly. We oppose  
22 any further instruction. We object to the Court giving this  
23 instruction, but to the extent the Court -- for a couple of  
24 reasons. No. 1, we're not in the power to immunize  
25 witnesses. We don't have that power; the government does.

## CLOSING ARGUMENT BY MR. BRADLEY

24-3887

1       All Mr. Bradley was doing in closing argument was commenting  
2       on the government didn't call certain witnesses.

3           Having said that, if the Court is inclined to give  
4       further instruction, we do think it is necessary for the  
5       Court to include as part of any curative instruction again  
6       instruct the jury, remind the jury, I'm quoting here, that:  
7       The jury must always bear in mind that the law never imposes  
8       on a defendant in a criminal case the burden or duty of  
9       calling any witnesses or producing any evidence.

10          I think that the government's instruction fails to  
11       convey that, and I think it is necessary for the Court as  
12       part of any curative instruction, which we oppose, but to  
13       include that instruction.

14           THE COURT: Government wish to be heard in response  
15       to that argument?

16           MS. GLATFELTER: Only that the entire argument has  
17       been extremely misleading. And so to argue essentially to  
18       this jury, which before the Court interrupted, the defense  
19       counsel, that they were going to fault the government for  
20       not calling a witness that asserted his Fifth Amendment  
21       right and that's why we didn't hear from them and that we  
22       should be faulted for that is incredibly misleading. And so  
23       while I really would prefer the instruction that the Court  
24       drafted about Fifth Amendment rights and that they would  
25       apply equally to witnesses and the defendant, I think it's

## CLOSING ARGUMENT BY MR. BRADLEY

24-3888

1 more appropriate to give the instruction that the  
2 government -- the more neutral instruction the government  
3 provided. It is all over the instruction that the defendant  
4 does not need to call any witnesses, but clearly in this  
5 case, the defendant has chosen to call witnesses and  
6 faulting the government for not calling the same witnesses  
7 that asserted their Fifth. So I think what we've proposed  
8 is appropriate and should be read now.

9 THE COURT: Last word.

10 MR. OLESKI: Briefly respond, Judge. First of all,  
11 with respect to the witness who did indicate that he would  
12 assert his Fifth Amendment Right, all Mr. Bradley was doing  
13 was indicating that the government didn't interview that  
14 witness, not that either the government or the defense  
15 didn't call that witness to testify at trial. There's no  
16 evidence in the record with respect to any other witness or  
17 parties' Fifth Amendment rights. And we would, you know,  
18 stand on our objection. And also, if the Court is inclined  
19 to instruct further to again instruct, again, that the law  
20 never imposed a duty on a defendant to produce any evidence.

21 THE COURT: What's the defense make of the Court's  
22 proposed instruction? Should I just go with that?

23 MR. GLICKMAN: Judge, I know you don't like lawyers  
24 speaking serially.

25 THE COURT: Go ahead.

## CLOSING ARGUMENT BY MR. BRADLEY

24-3889

1                   MR. GLICKMAN: But I guess my question to the Court  
2 would be --

3                   THE COURT: I'm not answering questions. Do you  
4 want me to read mine or theirs?

5                   MR. GLICKMAN: There's a question mark on yours,  
6 Judge, and it appears to imply additions.

7                   THE COURT: I'm going to go with the government's  
8 so that I'm not the one who made the curative instruction  
9 up. I think it's absolutely appropriate to cure the error,  
10 and I intend to do so when the jury returns.

11                  Question marks on the Court's instruction were to  
12 indicate that the Court wants the government to identify  
13 people specifically, but it's a moot point because I'm going  
14 with the model instruction, which is perfectly appropriate.

15                  I'm going to recess for 5 minutes.

16                  (Recess taken from 3:13 p.m. to 3:18 p.m.)

17                  THE DEPUTY: All rise. This court is back in  
18 session.

19                  THE COURT: Please be seated. I intend to proceed  
20 to present the curative instruction reflected in the model  
21 instructions, and the model instruction number is Model  
22 Federal Jury Instructions Criminal 6.04, 6 to 7, All  
23 Uncalled Witnesses Equally Available.

24                  You wish to be heard further, from Mr. Householder's  
25 perspective?

## CLOSING ARGUMENT BY MR. BRADLEY

24-3890

1                   MR. OLESKI: We stand on our previous objection,  
2 Judge.

3                   THE COURT: Very well. Call for the jury.

4                   THE DEPUTY: Yes, Judge.

5                   (Pause.)

6                   THE DEPUTY: All rise for the jury.

7                   (Jury entered the courtroom at 3:22 p.m.)

8                   THE COURT: You may all be seated. Thank you. 14  
9 Members of the Jury have rejoined us. Hope you had a decent  
10 break.

11                  I need to give you an instruction. During closing  
12 argument, you heard defense counsel refer to witnesses who  
13 were not called at trial. I instruct you that each party  
14 had an equal opportunity, or lack of opportunity, to call  
15 any of these witnesses. Therefore, you should not draw any  
16 inferences or reach any conclusions as to what they would  
17 have testified to had they been called. Their absence  
18 should not affect your judgment in any way.

19                  We will continue with closing arguments. Mr. Bradley.

20                  MR. BRADLEY: Thank you, Judge.

21                  THE COURT: Very well.

22                  MR. BRADLEY: Good afternoon again. As I indicated  
23 at the outset, the government has alleged that Larry  
24 Householder advanced energy legislation that was favorable  
25 to the nuclear power plants in exchange for political

## CLOSING ARGUMENT BY MR. BRADLEY

24-3891

1 contributions. In simple terms, a bribe. At its core,  
2 that's what this case is about. And to that end, there's  
3 really two key witnesses that the government's presented  
4 that speak to that issue, whether there was a quid pro quo,  
5 a this for that, an agreement, and those two witnesses are  
6 Jeff Longstreth and Juan Cespedes. And you've heard their  
7 testimony that they've entered into plea agreements with the  
8 government, and as part of their plea agreements, they've  
9 agreed to testify as prosecution witnesses. And they're  
10 doing so with the hope that they will satisfy the government  
11 that they've been truthful and, in exchange, that the  
12 government will make a recommendation to the Court at the  
13 time they are sentenced.

14 And in one of the instructions that you've received and  
15 that -- you'll have all of the instructions with you -- is  
16 the one we have up on the screen, the testimony of  
17 cooperating codefendants, you should consider their  
18 testimony with more caution than the testimony of the other  
19 witnesses you've heard and consider whether their testimony  
20 may have been influenced by the government's promise. And I  
21 highlight this because those are really the two key  
22 witnesses that the government's presented to you regarding  
23 the question of whether there's been a bribery here.

24 And the reason why you need to closely examine their  
25 testimony, be more careful in examining their testimony, is

## CLOSING ARGUMENT BY MR. BRADLEY

24-3892

1 what's on the screen now. You heard Mr. Cespedes testify  
2 and describe what occurred on October 10th in that very  
3 nefarious, inculpatory manner. And then when you weigh that  
4 against Mr. Klaffky, who testified -- who was present at the  
5 same meeting and described a completely different meeting,  
6 and you have to pause and consider why is that, why is that,  
7 and is it because Mr. Cespedes is shading or slanting his  
8 testimony to satisfy the government to ensure that he puts  
9 himself in the best position possible to avoid a prison  
10 sentence altogether. And when you consider Mr. Klaffky's  
11 testimony juxtaposed to Mr. Cespedes, something doesn't add  
12 up here.

13 And the same can be said about Jeff Longstreth's  
14 testimony. When you consider his testimony about the dinner  
15 at Charlie Palmer's steakhouse on the 18th when he so  
16 vividly describes seeing at the other end of the table Larry  
17 and Chuck talking quietly amongst themselves, and we know  
18 from these flight records and telephone records that didn't  
19 happen. And why is Jeff Longstreth testifying from that  
20 witness stand about matters that are false, why is that?  
21 What are his motivations? And that's why that instruction  
22 is so important for you to consider when you deliberate this  
23 case and when you discuss their testimony, because it's so  
24 important.

25 Here's another instruction that should serve as really

## CLOSING ARGUMENT BY MR. BRADLEY

24-3893

1       the backdrop to your entire deliberations in this case. The  
2       government bears the burden of proof, and that is proof  
3       beyond a reasonable doubt. Proof beyond a reasonable doubt  
4       means proof which is so convincing that you would not  
5       hesitate to rely and act upon it in the most important  
6       decisions in your lives.

7           So think about that, think about what would be amongst  
8       the most important decisions in your lives. Of course, that  
9       could vary from person to person. Maybe it's making a  
10      decision on how to invest your life savings or making a  
11      decision about whether to get a medical procedure performed  
12      on one of your children, the most important of your own  
13      affairs. And then imagine in making that decision, you were  
14      relying on somebody like Jeff Longstreth and you heard Jeff  
15      Longstreth testify about A, B, and C, and then you later  
16      learn that there's documentation, telephone records, flight  
17      records, whatever, that prove what he's saying is not true.  
18      And ask yourself if you would be relying on the quality of  
19      that sort of testimony in making a decision that is amongst  
20      the most important decisions in your life.

21           And the same could be said about Juan Cespedes. If you  
22      were considering the testimony of Juan Cespedes describing  
23      the October 10th incident and then you heard from somebody  
24      who was at that very same meeting who describes it  
25      completely different and you learned that there's special

## CLOSING ARGUMENT BY MR. BRADLEY

24-3894

1       motives for him, he wants something in exchange for his  
2       testimony, you ask yourself, would I be willing to rely on  
3       the quality of that testimony and that information in making  
4       a decision that is amongst the most important in your entire  
5       life.

6               Ultimately, that's a decision that you'll answer  
7       yourself, but it's important that you understand that it is  
8       the government that bears the burden of proof here, not the  
9       defense, the government. And it's a heavy burden, proof  
10      beyond a reasonable doubt, and that, again, should serve as  
11      the backdrop for all of your deliberations throughout this  
12      case.

13               Here's another instruction that's important. As I  
14      said, at its core, this is a bribery case, and a bribery  
15      case requires that quid pro quo, an explicit agreement, this  
16      for that. And has the government proven beyond a reasonable  
17      doubt that Larry Householder advanced House Bill 6 as part  
18      of an explicit agreement, a this for that? And when you  
19      think about that, remember Government's Exhibit 212, the  
20      November e-mail, November of 2016 e-mail, when Larry a week  
21      after he's met Chuck Jones saying we're ready and willing to  
22      move forward with legislation for utility relief as long as  
23      it makes sense. Months before any contributions from  
24      FirstEnergy are made into Generation Now, before the  
25      Presidential Inauguration, before Jeff Longstreth is hired.

1       Very important to understand and appreciate how the law  
2       defines a bribery. It must be an explicit agreement, both  
3       sides have to be in agreement, this for that.

4           And we went through earlier, before the break, the  
5       2017/2018 contributions from FirstEnergy and all of those  
6       other individuals. Those are contributions made to support  
7       the slate of candidates to help Larry become elected  
8       Speaker, and FirstEnergy and all of those other people that  
9       contributed want to see -- he's the preferred candidate,  
10      that's why they're contributing those moneys, including  
11      FirstEnergy. That's not a bribe. That's not evidence of an  
12      explicit quid pro quo agreement.

13           Here's another instruction for you to consider. It's  
14      not a defense to bribery -- in simple terms, taking a bribe  
15      is unlawful, of course. Even if the public official would  
16      have performed the official action anyway or even if the  
17      official action is desirable or beneficial to the public,  
18      that's not a defense. Of course, that's a correct statement  
19      of the law. That's included in the Court's jury  
20      instructions.

21           And I point this out to make something perfectly clear,  
22      that there was no bribery. So the fact that Larry was  
23      motivated to enact House Bill 6 because he believed that  
24      this was good legislation, that's the only reason that he  
25      advanced and supported this legislation. There's no

## CLOSING ARGUMENT BY MR. BRADLEY

24-3896

1 evidence of a bribery. That is not our defense. Well, he  
2 did it, but he would have done it anyway and, therefore, he  
3 should be excused. No, that's not what we're saying. To be  
4 clear, there's no evidence of a bribery here. The only  
5 reason he advanced this legislation was because he believed  
6 this was good. So I point that out so that you're not  
7 confused as to exactly what our position is.

8 You've heard much discussion from the government's  
9 initial closing argument and from the Court's instructions  
10 regarding racketeering activities and all of these predicate  
11 offenses. And to be clear, at its core, as I said, this is  
12 a bribery case, and if there is no bribery, then, there  
13 can't be money laundering because the money laundering  
14 requires that there be proceeds of illegality. So if  
15 there's no bribery, there can't be money laundering.

16 Moving on, some of the other predicate offenses,  
17 Private Honest Services, Wire Fraud, and a Travel Act  
18 violation. Unlawful interference with a ballot referendum  
19 effort, and these all relate to Tyler Fehrman and the  
20 payment of \$15,000 to Tyler Fehrman. And what's important  
21 here from Larry Householder's perspective is the testimony  
22 that -- from Juan Cespedes that he and Matt Borges wanted to  
23 keep everything about Tyler Fehrman secret between the two  
24 of them. And at some point, Mr. Borges somehow let it slip  
25 to John Kiani, and he became aware of it, and Cespedes was

## CLOSING ARGUMENT BY MR. BRADLEY

24-3897

1 angry and upset. You shouldn't have done that. This is a  
2 secret between the two of us. So I'll leave it to  
3 Mr. Borges' counsel to address the merits of that \$15,000  
4 payment, whether that was tantamount to a bribe or not, but  
5 the point is, from Mr. Householder's perspective, that's not  
6 our business. We're not involved in that. That was a  
7 secret between Cespedes and Borges.

8 And what's important is this instruction: The  
9 government must prove beyond a reasonable doubt that the  
10 defendant agreed that either he or another member of the  
11 conspiracy would commit at least two of these racketeering  
12 acts. Clearly, he had nothing to do with Tyler Fehrman, and  
13 he didn't even know about this \$15,000 payment. So how  
14 could he have agreed that somebody else, i.e., Cespedes or  
15 Borges, were going to do something when he had no idea what  
16 they were doing? He wasn't involved in that. And he  
17 shouldn't be legally accountable for any of those acts,  
18 assuming they're criminal acts, and that's what's important  
19 from Mr. Householder's perspective.

20 As you have heard in the Court's instructions, the  
21 merits of House Bill 6 aren't relevant to this case. You've  
22 heard some testimony from several legislators that they  
23 voted against it, and they explained to you their reasons  
24 why. And you've heard from several legislators who voted in  
25 favor of it, and you've heard their reasons why. But

1       ultimately, none of that matters for purposes of your  
2       verdict decision in this case. But what does matter is:  
3       Why Larry Householder supported House Bill 6, whether he  
4       believed it was good legislation, whether he believed it was  
5       important to preserve the nuclear power plants, whether he  
6       believed it was important to preserve thousands of jobs  
7       associated with it, whether he believed it was important to  
8       eliminate what he perceived and believed to be costly and  
9       ineffective energy efficiency mandates.

10       In short, that's all, that's all the evidence is, that  
11      Larry believed this was good legislation, good for all  
12      Ohioans, good for Bob and Betty Buckeye. That's why he  
13      supported this legislation, not because he entered into some  
14      explicit quid pro quo, this for that, agreement with the  
15      government. There's no evidence of that, none. And I keep  
16      coming back to Government Exhibit 212, that's all of the  
17      proof you need what his motivations were, what his beliefs  
18      were.

19       And the fact that FirstEnergy Solutions or FirstEnergy,  
20      for that matter, makes contributions that ultimately support  
21      that slate of candidates with the hope that they'll help him  
22      become Speaker, that's not a crime. The fact that Larry  
23      advances legislation favorable to FirstEnergy Solutions as  
24      the owner of the power plants, that's not a crime. It's  
25      only a crime if there's evidence -- not some evidence, proof

1       beyond a reasonable doubt of that explicit quid pro quo  
2       agreement, and it doesn't exist.

3           The indictment itself alleges a conspiracy to engage in  
4       racketeering activities with members of an enterprise, but  
5       there's no evidence that Larry voluntarily and knowingly  
6       agreed with anybody to engage in a criminal conspiracy.  
7           There's no evidence that he knowingly, voluntarily agreed  
8       with anybody to engage in racketeering activities.

9           Bottom line is that Larry Householder was engaged in  
10      political activity, not criminal activity, and that's  
11      precisely why you'll receive this verdict form charging a  
12      single count in this indictment. And the government has  
13      failed to present evidence to meet their burden of proof of  
14      beyond a reasonable doubt, and the appropriate verdict has  
15      to be not guilty.

16           Let me conclude with one final thought. Yesterday the  
17      judge expressed the Court's gratitude and appreciation to  
18      all of you for your dedication and commitment to what has  
19      been a long trial. And as part of the Court's expression,  
20      he made the comment that that's what democracy requires, and  
21      that really resonated with me. And so on behalf of  
22      everybody from the Householder defense team, we join in  
23      offering our thanks and gratitude for your commitment and  
24      your dedication to what is a most important case. I thank  
25      you very much.

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3900

1            Could I just have a moment here, Judge?

2            THE COURT: Thank you, Mr. Bradley.

3            (Pause.)

4            THE COURT: Mr. Bradley has concluded  
5            Mr. Householder's closing argument. Does counsel for  
6            Mr. Borges want to take a short recess; do you want to make  
7            a proposal, where do you stand?

8            MR. SCHNEIDER: I can proceed, Your Honor.

9            THE COURT: Very well.

10          MR. SCHNEIDER: If the Court is --

11          THE COURT: Yes.

12          MR. SCHNEIDER: Okay, fine. Thank you.

13          Your Honor, Counsel, Ladies and Gentlemen of the Jury,  
14          good afternoon. You've worked hard all day and for six  
15          weeks. You just heard two-and-a-half hours of the  
16          government's closing argument. You heard two hours roughly  
17          of Mr. Householder's counsel's argument.

18          And let me help you with this. One is, Mr. Borges  
19          didn't engage in a racketeering conspiracy. And you saw a  
20          graphic that Mr. Bradley put up I think within the last half  
21          hour that was -- it said "bribe" and then it said "money  
22          laundering," and if there isn't a bribe, then, there can't  
23          be money laundering. And the reason for that is, to launder  
24          money, the money has to be dirty, it has to be derived from  
25          criminal activity; and in this case, the government has

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3901

1       alleged that's bribe money. So if there isn't a bribe --  
2       and you'll determine that -- but if there isn't a bribe,  
3       there isn't money laundering.

4           You need to look no further, and you will, I'm sure you  
5       will, but if you go to page 27 really of the jury  
6       instructions that the Judge gave you yesterday, that deals  
7       with the connection of the conspiracy, that's what it's  
8       titled. And the conspiracy instruction is longer, but in  
9       the connection to the conspiracy argument, the key to the  
10      entire government's case lies on that page. It says the  
11      government -- essentially, the government must prove beyond  
12      a reasonable doubt that Matt knew the conspiracy's main  
13      purpose and that he voluntarily joined it intending to  
14      advance or achieve the goals.

15           So what were the purposes and the goals? If there was  
16      a conspiracy, what was the purposes and the goals? Well,  
17      Mr. Singer told you today that the conspiracy's goal, that  
18      the enterprise's goal, was growing Larry Householder's  
19      political power through bribery, money in exchange for House  
20      Bill 6, and then laundering the bribe money through Gen Now  
21      and other entities.

22           Ms. Glatfelter during cross-examination of several of  
23      the legislators that came in, and there was some push-back  
24      and they came in in -- I mean, they came in in the defense's  
25      case, Mr. Householder's case, so the government

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3902

1           cross-examined. But when there was some push-back on  
2           whether or not there might be a bribe, she asked a series of  
3           questions of each one of those witnesses, which was, well,  
4           sir -- and this was Mr. Seitz in particular. Sir, were you  
5           at the inaugural by chance? You weren't at the inaugural,  
6           were you, in January of '17? Of course, she's trying to say  
7           you don't know what happened there. You weren't at the  
8           Greenbrier, were you, Mr. Seitz? Were you at the Greenbrier  
9           in August of '17? Were you in State Street offices, 65 East  
10          State Street, the campaign office, the JPL office, the  
11          Strategy Group office, were you there on October 10th, 2018;  
12          you weren't, were you? Were you with Mr. Jones and  
13          Mr. Householder perhaps up in Akron at the FirstEnergy  
14          headquarters a couple of weeks after the October 10th, '18  
15          meeting in the Strategy Group offices? And were you on any  
16          calls with Chuck Jones and Larry Householder? And they all  
17          said no, and the government made its point.

18           But then I asked the same questions of Mr. Householder,  
19           and, guess what, same answers as it relates to Matt Borges.  
20           Matt wasn't at the inaugural in '17. He wasn't at the  
21          Greenbrier in '17. He wasn't in the State Street offices in  
22          2018 in October. He certainly wasn't at FirstEnergy's  
23          headquarters with Chuck Jones and Larry in the fall of '18.

24           The other question that I think Ms. Glatfelter asked --  
25           or maybe it was Ms. Painter or Mr. Singer, that, well, you

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3903

1       weren't on the Gen Now account either, were you? I also  
2       asked that. There's no evidence, right, that Matt had  
3       anything to do with Generation Now.

4           Again, the heart of the government's case as relates to  
5       Matt is that he knowingly and voluntarily joined a  
6       conspiracy, purposes of which were to -- the purposes of  
7       which were to promote Larry Householder's political power  
8       and to use bribe money and launder it through entities to  
9       conceal it. That's the heart of the case.

10          Now, opening statement six weeks ago, government's  
11       changed a little bit, admittedly, during the course of the  
12       evidence, but the government made sort of a bold claim, that  
13       Matt worked alongside Larry Householder to help pass House  
14       Bill 6. Six weeks ago, same day, my colleague, Todd Long,  
15       gave a contrary opening statement. And again, the opening  
16       statements are not evidence. What I'm telling you right now  
17       is not evidence. You're going to be the sole determining  
18       factors of what the facts are in this case.

19          But the preview or the snapshot, Mr. Long, my  
20       colleague, gave six weeks ago I think is borne out. He said  
21       Matt was anything but a Team Householder person. He was  
22       never on the farm, and the evidence will show that he was  
23       never a casket carrier, and the evidence will show it. And,  
24       in fact, the evidence has shown that Matt Borges -- I mean,  
25       just think of this. Matt Borges supported Team Ryan Smith.

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3904

1       He didn't support Team Householder in the Speaker's race in  
2       early 2019, absolutely not, which is interesting because  
3       he's caught up in some racketeering conspiracy from someone  
4       that they both -- that he, that Mr. Householder, even  
5       admitted he didn't care for, the country club Republican  
6       versus the country Republican.

7                  Anna Lippincott testified. She's part of JPL. She  
8       worked with Gen Now. She said back in the day, Matt didn't  
9       fit in. I don't know if Matt liked hearing that, but she  
10      also said he was not of the right demographic, and she  
11      called him an outsider.

12                 Megan Fitzmartin came in -- and these are all witnesses  
13      in the government case. And Megan came in and she said Matt  
14      wasn't invited on Team Householder calls. He wasn't invited  
15      to team events. And then sort of an interesting moment, I  
16      didn't even prompt, I don't even think I prompted this, you  
17      remember Megan Fitzmartin waving her finger and saying, no,  
18      Mr. Borges and the Speaker didn't even like each other.  
19                 Again, that's what my colleague said was going to be the  
20      evidence in this case, and I think, I think you'll determine  
21      it, but I think that's what it is.

22                 You heard from several legislators in this case, in  
23      particular, several that came in on the government's case.  
24      Mr. Greenspan, individual that went to the FBI, individual  
25      that testified at some length about issues relating to

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3905

1       Mr. Householder. And I got up on cross-examination and I  
2       said: Do you know Matt? Yeah, I know Matt, and I used to  
3       go to the Roetzel offices where Matt worked. One of his  
4       partners, Melissa Hoeffel, is a good friend of mine. And,  
5       yes, Matt knew, Matt knew I was a no vote on House Bill 6.  
6       He didn't ask me, he didn't even talk about it, he didn't  
7       ask me to change my vote.

8                 The most you see in the evidence at all in this case  
9       relative to the enactment of House Bill 6 is that Matt might  
10       have been on a whip count at one point in time, just  
11       checking in. He was not an enterprise member, and he  
12       certainly didn't sit, as the government said in opening  
13       statement, alongside Larry Householder to pass House Bill 6.  
14       Nothing could be further from the truth.

15               Even Juan Cespedes, he testified that there was a point  
16       in time when the Speaker had all hands on deck, pulled a  
17       meeting together with the team, Matt wasn't invited to that,  
18       Matt wasn't included in that. How does the government get  
19       that wrong? Why the bold claim six weeks ago? And it just  
20       falls flat.

21               Matt Borges was never an insider, and if he wasn't an  
22       insider, he wasn't an enterpriser. He was an outsider. Mr.  
23       Long was spot on in the opening statement. You can  
24       associate -- you'll look at the jury instructions, but you  
25       can associate with members of an enterprise and not be a

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3906

1 member of the enterprise. I mean, just think for a second,  
2 you're on Capitol Square and you've got six people that are  
3 doing something collusive and illegal, but you know them and  
4 you talk to them, you see them on the street corner. You're  
5 associating with members of an enterprise, but you're not  
6 part of the enterprise and you don't know the inner workings  
7 of the enterprise.

8 What evidence is there that Matt Borges knew that  
9 FirstEnergy and Larry Householder engaged in a bribe  
10 sometime in Washington, DC in January of '17, what evidence  
11 is there? There's none. There's zip, zero, nada, evidence  
12 of that. And again, no bribe, no money laundering.

13 Now, let me move beyond that, though, for just a  
14 second. Let's -- if there's an enterprise here in the  
15 instruction and there's a common goal, the allegations that  
16 you'll see in your jury instructions indicate that the  
17 purpose of the enterprise was to grow Larry Householder's  
18 political power through bribery and that Gen Now was used as  
19 a mechanism to conceal that. Well, again, I don't want to  
20 create a fight in the courtroom, but Mr. Householder and  
21 Mr. Borges don't like each other, and I can assure you that  
22 Mr. Borges didn't join an enterprise to help promote Larry  
23 Householder's political prestige at all.

24 All right. Enter Matt Borges at some point in time,  
25 because House Bill 6 has passed, passes the House, goes into

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3907

1       the Senate, the Senate makes some changes, comes back to the  
2       House for a concurrent vote. Governor signs it into law,  
3       and there's rumblings, as you would expect, at the  
4       Statehouse that there might be a ballot challenge, they  
5       might put this up for referendum.

6           The government brought in Josh Altic as an expert. You  
7       have an expert witness instruction in your jury instructions  
8       where those kind of witnesses can express opinions. But you  
9       heard Mr. Altic talk about ballot challenges and oppositions  
10      to ballot challenges are rough and can be rough and they can  
11      be tough, and that those that oppose the referendum do  
12      things like challenge the credentials of signature  
13      gatherers. It's not uncommon. It might seem uncommon to  
14      all of you until -- maybe not now after six weeks, but, you  
15      know, might even sound a little sleazy, but that happens.

16           In Ohio, you heard this, there's Form 15s, those  
17      specifically have to be filed so that the Secretary of  
18      State, Secretary of State chooses to, can check the  
19      credentials of signature-gatherers because you can't have --  
20      not everybody can go out and circulate signatures. There  
21      are certain disqualifying things, like being a criminal  
22      offender.

23           Mr. Altic indicated that that's not unusual, checking  
24      those credentials. It's not at all unusual to try to  
25      inhibit signature gatherers' progress. It's rough, it's

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3908

1 tough politics. It's not unlawful.

2 Then you heard blogger educators. To be honest with  
3 you, I didn't know what a blogger educator was until I got  
4 involved in this case. And Mr. Altic helped you, I presume,  
5 through his testimony understanding that, but that is where  
6 people at the street corner, you know, they convene at  
7 Walmarts, large libraries, places of large assembly, and  
8 you're opposing the referendum, you don't want to get it on  
9 the ballot, and so people go over there and say, why are you  
10 signing that petition, are you getting the straight scoop,  
11 hey, let me tell you about that before you sign that, let me  
12 tell you about that. Again, rough, tough politics, but not  
13 unlawful, and actually customary.

14 The other thing we know now is that the government has  
15 used this, a lot of money was spent in opposition to the  
16 referendum, millions of dollars were spent, well, millions  
17 of dollars were spent on the referendum. Remember Mr.  
18 Roberson, he came in and testified, he's the CEO of AMT, the  
19 signature-gathering firm. By the way, let's make sure we  
20 understand, AMT is the vendor for the ballot initiative.  
21 It's not the campaign committee that put the ballot on or  
22 sought to put the ballot on. It's a vendor, it's in  
23 contract with the committee to gather signatures. And I  
24 think I did the cross-examination on Mr. Roberson, I lose  
25 track now, but you remember he was coy about I don't really

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3909

1 know who funded it, the ballot challenge. He knew exactly,  
2 yeah, it was oil and gas, and it was in the millions.  
3 Mr. Bradley talked about some things that are sort of  
4 misleading in this case. Mr. Roberson getting on the stand  
5 and not really being forthright and candid about that, ask  
6 yourself why.

7 Is there an economic harm at AMT? Well, this is really  
8 interesting because on direct examination -- and, again, you  
9 chalk it up to what you want, misleading or just didn't  
10 understand. But the government was getting into, well, you  
11 know, you had -- if you didn't get the signatures, if you  
12 hit -- didn't hit the threshold -- he didn't hit a  
13 threshold, there was going to be a claw-back of money that  
14 you were entitled to under the contract. And, of course,  
15 the government was trying to establish that AMT would have  
16 some financial harm if it didn't meet the threshold,  
17 whatever that was. Mr. Roberson finally on  
18 cross-examination admitted, well, we negotiated the  
19 claw-backs out. Government didn't tell you that through the  
20 direct. Mr. Roberson didn't tell you that through the  
21 direct. Why? There is no economic harm to AMT. Mr.  
22 Roberson kind of sat back a little smug in his chair and  
23 said, well, number-one man, we're still number one. Mr.  
24 Singer talked about reputational harm. Well, if Mr.  
25 Roberson's reputation and his company's reputation was

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3910

1       harmed, he wouldn't have given you that demeanor in that  
2       witness stand pounding his chest.

3                  You're going to see in the jury instructions an issue  
4       as to whether or not there could be some economic harm and  
5       I'll address that in a second. This was a red herring, a  
6       term that my colleague uses. Maybe you can call it  
7       misleading. But Mr. Roberson testified at some length as to  
8       the measures AMT took to protect the petitions. He didn't  
9       take measures to protect the number, the count. It's the  
10      physical possession of the petitions because they can be  
11      filed some day, if they get there, and they've got to be  
12      inspected, make sure the signatures are valid. It was that  
13      process that was securitized, not the number.

14                 And that then leads me to sort of Tyler Fehrman's  
15      employment contract, which you'll have as an exhibit. Mr.  
16      Roberson testified that he is not only the CEO and general  
17      counsel for AMT, but that he created and drafted all of the  
18      contracts. He also testified that there's training involved  
19      for their employees. And they hire employees, they don't  
20      just use independent contractors. A lot of the other  
21      signature firms around the country just use 1099 folks, but  
22      AMT, number-one man, still number one apparently as of a  
23      couple of weeks ago, they hire people on an employee basis,  
24      like Tyler Fehrman.

25                 Mr. Roberson also acknowledged -- you heard it in

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3911

1       court -- that the numbers, the signature count numbers, were  
2       going to be made public subsequently. That's what was going  
3       to happen. Mr. Wetzel testified to the same thing, yeah,  
4       those numbers were going to be public. Well, the  
5       contract -- let me ask you this. So Tyler's job -- this is  
6       Private and Honest Services. Tyler Fehrman's job duties,  
7       his job duties are defined by what? Defined by his  
8       contract. He had a written contract, and that contract  
9       provided that he had to do this, he was going to get paid  
10      that. But there was a whole section in that contract, it's  
11      paragraph 9, I ask you to look at it. Paragraph 9, it's  
12      actually subparagraph B, but the paragraph says here's the  
13      following information -- the following information will be  
14      confidential and then the following won't be confidential.

15           And 9B says information that may or will subsequently  
16      become available to the public, assuming Tyler Fehrman's job  
17      duties are defined by his contract, and his contract says  
18      the signature count itself, that knowledge is not  
19      confidential if it's going to become public, and if Roberson  
20      says it's going to become public, and Special Agent Wetzel  
21      says it's going to become public, then, it's not  
22      confidential and it's not insider information. And if Tyler  
23      were to give that information to Matt -- he never did, he  
24      never did, he was just evasive the whole time -- but had he  
25      done it, he would not have been depriving -- you can read

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3912

1       the instruction -- he would not be depriving AMT of Honest  
2       Services. He would not have a fiduciary duty to maintain  
3       that information because the contract says otherwise.

4           Now, Mr. Roberson drafted the contract. You read it  
5       for yourself when you deliberate. But there were several  
6       bold, all capitalized paragraphs in that employment  
7       contract, not 9B. You know what is, unauthorized expenses.  
8       He wanted to make it very clear to his employees, you know,  
9       you eat out, you spend too much money, I'm not reimbursing  
10      you. Another provision is, if we get into a conflict and  
11      there's a dispute, we have to arbitrate; you can't submit.  
12      Those are bold provisions that this lawyer put in that.

13           Does anybody sitting here -- using your common sense,  
14      like Mr. Singer said, do you think that Mr. Roberson had the  
15      ability by virtue of a contract to confidentialize the  
16      signature count, even if it was going to become available to  
17      the public some day? Of course, he could have, but he  
18      didn't. That knocks out Private Honest Services Fraud  
19      because Tyler didn't have a fiduciary duty to maintain that  
20      information to AMT, and if he didn't have a fiduciary duty  
21      to maintain that information, then, AMT was not deprived  
22      Honest Services from Tyler. Shame on AMT for not putting it  
23      in the contract, but it wasn't deprived any Honest Services  
24      at all.

25           Let me talk about Tyler for a minute. This strikes me

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3913

1       as just odd, for whatever it's worth in your deliberations,  
2       but if Matt Borges intended to bribe Tyler -- we'll use that  
3       term, I think we just negated that, but I'm going to use  
4       that term. If he intended to bribe Tyler Fehrman, why would  
5       he ask if he had a nondisclosure agreement, why would he ask  
6       if he had a contract? If you're going to bribe somebody,  
7       why do you care if someone has a contract? You're going to  
8       bribe them. It makes no sense. Yeah, use your common  
9       sense, ask yourself those questions, hear yourself out in  
10      discussions among yourselves on some of those pointed  
11      issues, if you care to. I encourage you that you do, but if  
12      you care to.

13           Look, asking for that information doesn't sit well, may  
14       be a little slimy, it's just not unlawful, it's not  
15       unlawful.

16           And let me ask you this, too, this is a point for your  
17       common sense because I'm struggling with this. Matt gives  
18       Mr. Fehrman the 15 grand. Does Matt put a full court press  
19       on at any time, what are those numbers, I already gave you  
20       money, where is it, what, you've got to be specific. Any  
21       time there were any discussions, it was, oh -- Mr. Fehrman:  
22       Oh, I got to talk to my man, I don't know, somebody is up  
23       north. If I had paid -- if any of you had paid -- for that  
24       information, wouldn't you be all over on a full court press  
25       to Tyler Fehrman to get the information? Or might it be

1       reasonably possible, more than likely, that when Matt said,  
2       I'm going to change directions, I've got some projects for  
3       you, he even says let's just get past the 21st, that's the  
4       referendum deadline, isn't it reasonably possible that he  
5       really was advancing Tyler money to help him clean up some  
6       of his issues and going to put him on some special projects  
7       when he had the chance? And if that's reasonably possible,  
8       particularly because he didn't ask for numbers -- in fact,  
9       you can go back and you'll see the texts, he didn't ask for  
10      any numbers after September 27th, that's still almost a  
11      month away from the referendum period. Just questions I  
12      think that you ought to ask yourself.

13           Now, I guess what I heard today is that if there wasn't  
14      a bribe in January -- of Mr. Householder -- '17 on or near  
15      the inaugural, then, maybe there was a bribe on  
16      October 10th, 2018 at 65 East State Street. And this is  
17      where you heard the Klaffky and the Juan Cespedes different  
18      versions. I'm going to suggest something to you that you  
19      ought to think about. But Mr. Singer who did the direct on  
20      Mr. Cespedes asked him, well, you know, after talking about  
21      the \$400,000 check and giving it to the Speaker, and, you  
22      know, saying that, you know, FirstEnergy Solutions has this  
23      interest in this legislation, and Mr. Householder supposedly  
24      says I guess or I'm sure based on this, yes. Kind of as a  
25      curve ball, Mr. Singer asked Mr. Cespedes, well, did Matt

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3915

1 know about that, did Matt know about it; and he said, oh,  
2 yes. Well, how did he know about that? He was my sounding  
3 board, I told him everything. Matt knew -- there's  
4 testimony Matt knew what I knew. Well, I mean, some or most  
5 of you are married, you have siblings, I mean, I can assure  
6 you that I don't -- I don't suggest that my wife knows  
7 everything I know or vice versa. That's as detailed as he  
8 got.

9 And Mr. Bradley showed you the jury instruction that  
10 Judge Black gave you yesterday about a cooperator and having  
11 to exercise more caution in analyzing that. Well, on direct  
12 Mr. Cespedes maintained, oh, Matt knew everything, never  
13 gave a detail, not. And then they show him the October 11th  
14 text, and that's the text that you have in evidence, and  
15 that's the day after, and that's the text where Cespedes  
16 writes to Matt meeting yesterday, was SLH, DeWine, Husted,  
17 Obhof, went well. Mr. Singer said: Mr. Cespedes, what were  
18 you saying, what did you mean by that? And he sits there in  
19 that stand, the person who's supposed to exercise more  
20 caution or should exercise more caution, sort of sits back  
21 in his chair and says: Oh, that meant check well received.  
22 Well, I can tell you we didn't know that coming into trial.  
23 And Mr. Long gets up on cross-examination with Mr. Cespedes  
24 and tries to test that. What do you mean that means check?  
25 Your text doesn't say there's a check involved. What do you

1 mean by that? Well, and he sort of maintained that, you  
2 know, that thought.

3 Don't you think, though, that if you told your good  
4 friend who's your sounding board, who knows everything you  
5 know, that you would remember in detail where you were, what  
6 you did, how you communicated it, and, more importantly,  
7 what Matt's reaction was to being informed that there was a  
8 bribe at 65 East State Street to the tune of \$400,000 on  
9 October 10, 2018. No, we have to live with Matt knows  
10 everything I would have known and that meeting went well  
11 yesterday is somehow code for check well received.

12 Now, are you going to actually rely on that in the most  
13 important of your daily affairs? I suggest you wouldn't.  
14 I'm also going to suggest to you that Mr. Cespedes, who is  
15 under the cooperation agreement for all of the reasons  
16 Mr. Bradley told you, manufactured that and probably after  
17 this trial started. It's just -- just think about that.

18 Remember, Mr. Long gets up and he said: Well, you  
19 never said this in four or five proffer sessions with  
20 government lawyers and Mr. Agent -- or Mr. Wetzel, Agent  
21 Wetzel. Well, I'm sure. And then my colleague says, well,  
22 do you want to see your 302s, do you want to see your  
23 summaries, would that help refresh your recollection? No, I  
24 didn't write it. Well, would you like to see it? No. What  
25 do you make of that? Do you think this October 10th, 2018,

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3917

1       trying to lay it on Matt Borges is some sort of epiphany?  
2       Do you think he's motivated to say that because there's no  
3       knowledge Matt knew anything about FirstEnergy, Chuck Jones,  
4       Larry Householder, Gen Now, Longstreth in Washington in '17?  
5       But in order to convict him, somehow we've got to tie him to  
6       something, and October 2018 seems like a perfect  
7       opportunity. I suggest that was fabricated.

8              Just think of this for a second. The October 11th text  
9       to Matt saying meeting well received or meeting went well,  
10       doesn't mention a check, and then he says that's code. Did  
11       the same thing with -- I think it was 602 D or B where  
12       you've got the \$25,000 employee and he said, oh, that's code  
13       for bribe. You get to check his credibility and assess it  
14       when you're back in the deliberation room.

15             Let me say something else on that point, though.  
16       Mr. Cespedes was pressed, I think it was on cross, but it  
17       was during his consideration on -- that he -- that black  
18       ops, remember that term, that was John Kiani, chairman of  
19       the board, executive CEO, FirstEnergy Solutions, and he sent  
20       a text message to Cespedes, Matt's not on it, but the text  
21       message said where are we on black ops, and that was like on  
22       August 31st of '19, might have been September 1st. You'll  
23       have the text. Mr. Cespedes was asked what does that mean;  
24       well, it meant Tyler Fehrman. Really, it meant Tyler  
25       Fehrman? Mr. Cespedes testified earlier that Kiani didn't

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3918

1 know anything about Tyler Fehrman until Matt somehow let it  
2 slip on a phone call, which was weeks later. Mr. Long gets  
3 up and presses Mr. Cespedes on it; says, well, yeah, I guess  
4 you're right. Then, Mr. Long shows him, what's this --  
5 you're reaching out to Matt saying where are we on the  
6 employment lawyers, I'm getting some questions here. And  
7 this is after Mr. Cespedes had testified there was no way in  
8 heck that they were ever going to consider hiring Tyler.

9 Think about cross-examination. Mr. Cespedes said,  
10 well, yeah, we were -- you know, we were looking at ways we  
11 could get this done, but we just abandoned it. I'm going to  
12 suggest to you that Mr. Cespedes' credibility is undermined  
13 and largely undermined through cross-examination, and if not  
14 undermined solely on cross-examination, undermined by the  
15 instruction that you have.

16 "Unholy alliance," now, we've heard that, that's  
17 nefarious, sounds bad. Matt mentions unholy alliance in  
18 reference to FirstEnergy, Larry Householder, and Roetzel &  
19 Andress, the law firm for which he at one point in time  
20 worked. Any of you going to go to the bank on the fact that  
21 using that expression is proof beyond a reasonable doubt  
22 that you knew of a bribe? You know what the expression  
23 means, people that don't normally do things together. And  
24 then just color maybe, maybe not anything to probe, but a  
25 color. That comment is made by Matt in conversations with

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3919

1       Mr. Fehrman. Mr. Fehrman after the referendum period  
2 expires, doesn't get on, he makes a job application at  
3 Roetzel & Andress, one of the holy -- unholly alliancers, if  
4 you will. Does that strike you as odd?

5           And because you know the Attorney General and because  
6 you have worked on the Attorney General's campaign, what  
7 evidence is there, ladies and gentlemen, honestly, what  
8 evidence, what tangible evidence, let alone proof beyond a  
9 reasonable doubt, is there that Matt ever pressured Dave  
10 Yost, what evidence is there? What's the nature of that  
11 pressure, what was it?

12          Look, you're going to have the instructions as you go  
13 back. I'm going to tell you Matt's no racketeer --  
14 racketeering, racketeer? I don't even know the term.  
15 He's not a co-conspirator, didn't have the knowledge. He's  
16 got political experience. He got thrown into an opposition  
17 to a referendum. He did some things that maybe he's not  
18 proud of in terms of what it looks like on the surface, but  
19 they're not unlawful.

20          When I sit down, I don't get a chance to get back up.  
21 The government has an opportunity because the government has  
22 the burden of proof and they can engage in a rebuttal  
23 argument, should the government choose to; I expect that  
24 they will. But before I sit down, I want to remind you of  
25 what I think I said in maybe the shortest voir dire that

## CLOSING ARGUMENT BY MR. SCHNEIDER

24-3920

1 I've ever engaged in, and that was the amputation issue as  
2 to whether or not anyone would hesitate to get a second  
3 opinion, medical opinion or otherwise, if they were told a  
4 limb had to be amputated after an athletic event. And I  
5 think at the time we had 53 of prospective jurors, not  
6 one -- you're 14 now, but not one said, yeah, I'd go do it,  
7 I wouldn't want a second opinion.

8 And just think about Judge Black's instruction  
9 yesterday, which is the law, what Mr. Bradley implored on  
10 you here a little bit ago: It's doubt that you wouldn't  
11 hesitate to act and rely on in your most important daily  
12 affairs, and that's what I'm asking you to do in this  
13 overcharged case. Matt Borges did not engage in a  
14 conspiracy to violate a racketeering -- he is not a  
15 racketeering co-conspirator.

16 Like Mr. Bradley and like Mr. Singer, look, we're doing  
17 our jobs. The sacrifice that you made over six weeks and  
18 many of you having to commute in not-so-fun traffic is  
19 unbelievable, and the attention that you've given this case,  
20 we've all observed it, you know, from the bottom of my heart  
21 and all, we appreciate your time and your attention. Remind  
22 you of your oath, the Judge will do it again. Thank you.  
23 Nothing further.

24 THE COURT: Thank you. I'd like to see counsel at  
25 sidebar.

1                   **SIDE BAR CONFERENCE.**

2                   THE COURT: I think we should recess for the day.

3                   I, for one, am whipped. If we're going to continue, we need  
4                   to give the jury a break for 15 minutes and then we'll come  
5                   back for rebuttal. We'll be here beyond 6:00 p.m. Does  
6                   anybody object to breaking now?

7                   MS. GAFFNEY-PAINTER: I apologize, Your Honor, I  
8                   had difficulty hearing you. You said a 15-minute break and  
9                   then end?

10                  THE COURT: No. Does the government object? Sort  
11                  of in your lap. You're giving the rebuttal, correct?

12                  MS. GAFFNEY-PAINTER: I am.

13                  THE COURT: My mistake. I think we ought to break.  
14                  If you have a different perspective, articulate it. We'll  
15                  be here until after 6.

16                  MS. GAFFNEY-PAINTER: No objection.

17                  THE COURT: Mr. Householder?

18                  MR. BRADLEY: We don't object.

19                  THE COURT: Where's --

20                  MR. LONG: I don't think we'll be alone in this,  
21                  Judge, but I was curious as to how long Ms. Painter's  
22                  rebuttal would be.

23                  THE COURT: How long would the rebuttal be?

24                  MS. GAFFNEY-PAINTER: I stand on what the Court's  
25                  guidance was, 30 minutes.

1                   THE COURT: 30 minutes? I think that's ridiculous.

2 If you want to do it now, express it strongly.

3                   MS. GAFFNEY-PAINTER: No, I don't want to overrule  
4 the Court's preferences.

5                   THE COURT: Is that right, Ms. Glatfelter?

6                   MS. GLATFELTER: I'm conflicted because I think we  
7 could be here for just 30 minutes and get it done, but --

8                   THE COURT: Well, we're going to take a 15-minute  
9 break for purposes of the jury, and then we come back and  
10 it's 30 minutes. I've not been impressed with the ability  
11 to hit your estimates, and these guys are supposed to be  
12 gone at 4:30. I'm whipped. The government has the burden.  
13 I don't think it's difficult to take a break and come back  
14 and do it properly within the time frame, and then we'll get  
15 it to the jury.

16                  One more time, does Mr. Householder object or have a  
17 preference?

18                  MR. BRADLEY: I do not have a preference, Judge.

19                  MR. SCHNEIDER: I don't think I exceeded my  
20 estimation.

21                  THE COURT: No. Let the record reflect that -- I  
22 won't say it fully. You're a class act.

23                  MR. SCHNEIDER: We won't object.

24                  MS. GAFFNEY-PAINTER: No objection.

25                  THE COURT: All right. We're going to break.

1                   **SIDE BAR CONCLUDED.**

2                   THE COURT: It's after 4:30. Members of the Jury,  
3 to be perfectly frank, I'm whipped. I can't imagine how  
4 you're doing. The government has an opportunity to have the  
5 last word in rebuttal. We would need to take a break and  
6 come back and hear that. I think you would be here for a  
7 while, and I am inclined, and have leaned on the parties,  
8 and am ordering that we break for the day. You'll come back  
9 tomorrow refreshed. The government will get the last word  
10 because they have the burden of proof. They'll do it  
11 expeditiously. We'll send you to your room early tomorrow  
12 morning, and you will begin your deliberations. So we're  
13 going to break.

14                  During the break, I want you to take a break. I want  
15 you to find some joy at home. You can't talk about it yet.  
16 They're going to want to know at home, but this is when you  
17 muscle up and you tell them you can't discuss it, otherwise,  
18 the federal judge will be annoyed, to put it mildly. You've  
19 been great. You deserve a break. We're going to break for  
20 the day. During the break, put it out of your mind. Get a  
21 decent meal. Spend time with your loved ones. Don't do any  
22 investigation, no independent research. Wait for the last  
23 word in closing, come in here refreshed and ready to be sent  
24 to your room. I love to say that. So I'm going to send you  
25 home rather than to your room. I want you to take a break.

1 I am so grateful to you.

2 Out of respect for you, I and everyone in the room will  
3 rise for you while you break for the day.

4 THE DEPUTY: All rise for the jury.

5 (Jury exited the courtroom at 4:35 p.m.)

6 THE COURT: Jury is leaving the room. As always,  
7 we'll wait for word that they have cleared the floor and  
8 then we will recess for the day.

9 (Pause.)

10 THE DEPUTY: All clear.

11 THE COURT: Before we adjourn for the day and while  
12 we're on the record, is there anything that requires my  
13 attention before we adjourn for the day, from the  
14 government?

15 MS. GLATFELTER: No, Your Honor.

16 THE COURT: From Mr. Householder's team?

17 MR. SCHNEIDER: No, Judge.

18 THE COURT: Counsel for Mr. Borges?

19 MR. SCHNEIDER: No.

20 THE COURT: We're adjourned for the night.

21 THE DEPUTY: This court is now adjourned.

22 (Proceedings continued in progress at 4:36 p.m.)

23

24

25

1                   **C E R T I F I C A T E**

2                   I certify that the foregoing is a correct transcript of  
3                   the record of proceedings in the above-entitled matter  
4                   prepared from my stenotype notes.

4                   */s/ Lisa Conley Yungblut*

5                   LISA CONLEY YUNGBLUT, RMR, CRR, CRC

03/09/2023

DATE

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